

Government of His Highness the Maharaja of Mysore

LEGISLATIVE DEPARTMENT

THE
MYSORE CODE
VOLUME II

CONTAINING

THE REGULATIONS INTRODUCED
INTO MYSORE FROM THE RENDI-
TION (1881) TO 1901 INCLUSIVE

WITH

A CHRONOLOGICAL TABLE OF
CONTENTS AND INDEX

(Second Edition)



BANGALORE:
PRINTED AT THE GOVERNMENT PRESS
1932

PREFACE TO THE SECOND EDITION.

The present volume is brought up to date by incorporating the subsequent Amendments and by deleting the several Regulations that have been repealed, as shown in column 3 of the Chronological Table of Contents. The Index and the Chronological Table have also been revised.

BANGALORE,	}	C. SUBRAHMANYA AIYAR,
<i>29th February 1932.</i>		<i>Under Secy. to the Govt. of Mysore,</i> <i>Legislative Dept.</i>

P R E F A C E .

This, the Second Volume of the Mysore Code, comprises the unrepealed Regulations passed subsequent to the date of the restoration of Mysore to His Highness the Maharaja (the 25th March 1881), and is founded on the official copies of Regulations preserved in the Mysore Legislative Department.

2. Besides Regulations which have been entirely repealed, or which, having served their purpose, have now become obsolete, the following laws, which will probably be largely revised, or altogether superseded by revised enactments, at no distant date, have been excluded, namely:—the Codes of Civil and Criminal Procedure, and the Municipal Regulations of 1871. But the Regulations extending, amending, or otherwise affecting the said laws have been printed in the proper places.

3. A chronological table of all the Regulations passed since the Rendition is prefixed, showing, as regards each Regulation, how it has been affected by subsequent legislation. The entries relating to Regulations which have been wholly repealed, or have otherwise ceased to be in operation, are printed in italics.

4. Repeals and amendments have been given effect to in their proper places, references thereto being given in foot-notes, or, in the case of repeals of entire sections, opposite to their marginal notes.

5. A short index is appended to the volume.

K. S. CHANDRASEKHARA AIYAR, B.A., B.L.,
Asst. Secy. to the Govt. of Mysore,
Legislative Department.

BANGALORE, }
6th March 1902. }

ADDENDA AND CORRIGENDA.

Wherever the words "Chief Court" occur in the Code. *read* 'High Court.'

Page (iii) column 1—*for* "IV of 1882" *read* "IV of 1892" and *for* "VII of 1882" *read* "VII of 1892."

column 2, *for* VII of 1882, *read* "VII 1892."

Page 5. Section 16 *insert* "the" *between* "with and jurisdiction."

„ 25. First proviso to sec 3 (1), *read* "Rs. 3,500" *for* "Rs. 300."

„ 33. Sec. 5 (a) *Insert* "the" *between* 'for' and "Public Safety."

„ 63. Sec. 33—margin—*read* "months" *for* "month's."

„ 66. Sec. 39—*read* "Deputy Commissioner" *for* "Revenue Commissioner."

„ 74. Foot note—*read* "3" *for* section "30."

„ 77. Against Section 66A, *read* the margin as "Deputy Commissioner's power to grant permission to occupy land temporarily."

As against 66B, *read* "Transfer of occupancy without Deputy Commissioner's Sanction."

„ 81. Section 78 margin—*insert* "of" *between* "realization" and "Land revenue."

„ 87. Section 91—margin of second para *for* "lease" *read* "leases."

„ 89. „ 97—proviso—*omit* "within" occurring in the 2nd line of the proviso.

„ 95. Section 112—*read* "agriculture" *for* "agricultural" occurring in line 7.

„ 95. Section 113—Para (4) *read* "of this section" *for* "of the Section."

„ 103. Chapter X—heading *read*—"Lands" *for* "Land."

„ 110. Section 155 margin—*read* "account" *for* "amount."

„ 114. „ 170—Second para—*read* "person" *for* "persons."

„ 117. foot note—*read* "1916" *for* "1906."

„ „ against Section 183A, *read* the margin as "setting aside sale on deposit of Solatium to the purchaser and arrears by person interested."

„ 119. Against Section 187A, *read* the margin as "Application to civil court by purchaser resisted in taking possession."

„ 120. Section 193A - *omit* marginal heading.

„ 125. „ 209—last para—*insert* "of" *between* "or" and "any Amildar."

- Page 126. Against Section 210A, *read* the margin *as* "Power to Government to withdraw appeals from the Revenue Commissioner."
- „ 127. Section 212 margin—*Insert* " of " between " admission " and " appeal."
- „ 131. Section 222 (c), *read* " this Regulation " *for* " the Regulation."
- „ „ Section 223—2nd line from below, *read* " possession " *for* " possessions."
- „ 136. Sec. 237—margin—*read* " occupants " *for* " occupation."
- „ „ „ 239—margin—*read* " Saving " *for* " Savings."
- „ „ „ „ —*read* " whenever " *for* " when ever."
- „ 137. Schedule " A "—para 3—*read* " 26th June 1872 " *for* " 24th June 1872."
- „ „ Para 5—*read* " Inam villages " *for* " Inam village."
- „ „ Schedule ' B ' Lines 9 & 10 *insert* " other property " *between* " or " *and* " within."
- „ 138. Schedule ' C '—Line 8—*read* " obey " *for* " obeys."
- „ „ „ „ 9 „ " obtain " *for* " obtains."
- „ „ „ „ 13 „ " 19 " *for* " 18."
- „ „ Schedule ' D ' „ 10 „ " papers " *for* " paper."
- „ 139. „ ' E ' Second Para—*read* II *for* I.
- „ „ „ ' F ' line 1—*read* " powers " *for* " power."
- „ 152. Section 1 Para 2—*for* " contributed " *read* " constituted."
- „ „ Heading; *Omit* "to" *occurring between* "Military and Store." Section 3—*for* " 1871 " *read* " 1878."
- „ 153. „ 4, *for* " mitrailleuse sand " *read* " mitrailleuses and"
- „ 155. Section 12—marginal Heading—*for* " license " *read* " licenses."
- „ 158. Section 21 line 4—*for* " behind " *read* " licensed."
- „ 178. Foot note—*for* " Page 204 to 215 " *read* " 177-189 " of 1923 Edition.
- „ 179. Section 5—*for* " necessary " *read* " unnecessary " *for* " the works " *read* " the words."
- „ 180. Section 21—*for* " Substances " *read* " Substance."
- „ „ „ 9—*for* " 6 " *read* " 26."
- „ 181. Chapter VIII, *for* Section " 3 " *read* " 31."
- „ 184. Foot note, *for* " 169-178 " *read* " 145-156."
- „ 189. Contents—Section 9, *for* " repairiring " *read* " repairing."
- „ 198. Section 8 margin—*for* " lteration " *read* " Alteration."
- „ „ „ 8 last line—*insert* " of " *between* " or " *and* " any drain."
- „ 199. Section 9 (2) line 3—*insert* " of " *between* " Govt. " *and* " His Highness."
- Section 10—*add* " the " *between* " in " *and* " case."

- Page 217. Line 1, *for* "that" *occurring between* "that person and" and "owner" *read* "the"
- „ 219. Section 51—margin, *for* "no" *read* "not."
- „ 227. „ 79 sub section (2)—*for* "this suit" *read* "the suit."
- „ 235. „ 109 margin, *for* "wrtng" *read* "hurting."
- „ „ „ 110 „ *insert* "Railway by" *between* "by" and "wilful act."
- „ 236. Section 111, margin—*insert* "by Railway" *after* "travelling."
- „ 239. The margin to sub-section 4 of section 119 should be read with Section 120.
- „ 246. In the last para of Section 9 *for the words* 'where evidence' *read* 'where his evidence.'
- „ 247. Section 14—in the margin, *for* 'Deposit costs' *read* 'Deposit of costs.'
- „ 248. in Schedule A, 8th line, between the words 'before' and 'or' *insert* the square bracket [
- „ 251. Contents Section 4—*omit* the word 'status.'
- „ 271. „ 41—line 4 *omit* "is satisfied" *occurring after* section 40.
- „ 279. „ —6 (1) line 5—*for* "sold" *read* "so."
- „ 295. „ 11—*for the words* 'in the line' *read* 'to the lines.'
- „ „ Last foot note—*read* the figure '3' *for* '4.'
- „ 296. Immediately after chapter IV —*for* '17' *read* '16.'
- „ 312. Section 86— *for the words* 'within the accused' *read* 'with the accused.'
- „ 322. in the last para —*for* '189' *read* '193.'
- „ 333. Section 24 -line 9—*for* 'rules' *read* 'rule'.
- „ 344. Section 2 sub-section 16 (c)—*for the word* "tools" *read* "tolls."
- „ 345. Foot note—*for the word* "repeated" *read* "repealed."
- „ 348. Section 6 para 2—*add the words* "as the case may be" *after* "4 annas" *occurring in the* 3rd line.
- „ 353. Regulation II of 1900—*for* "1894" at the top in the left hand corner, *read* "1900."
- „ 353. Regulation II of 1900—*for the figure* "1894" in the left hand corner of the top *read* "1900."
- „ 354. Regulation II of 1900—Sec. 24 in line 2, *between* "debt and to" *insert* "due."
- „ 355. *For the figure* "1894" in the left hand corner at the top *read* "1900."
- „ „ Section 25, line 2—*insert* "au" *between* "of and annuity."
- „ 356. Section 26 last proviso, line 2—*for* "any instrument" *read* "an instrument."
- „ 358. Clause (bb)—*for* "insuring" *read* "issuing."

- Page 367. Section 48 in the margin—for the word “recover” read “recovery.”
- „ 368. Section 49 in the second line—for the words ‘as to evidence’ read ‘as to the evidence.’
- „ 369. Section 49 (c) sub-section 3. *Delete the word “cheque” occurring in the last line.*
- „ 370. In sub-section 3 of section 50, line 4—for the words ‘after execution’ read ‘after the execution.’
- „ 372. Section 55 in first para line 3—for the words ‘application within’ read ‘application made within.’
- „ 380. In the foot note—after “section 2 (1)” insert the word “of.”
- „ 381. Omit “(a)” before “Agreement to lease” and insert ‘(a)’ before ‘(6)’ in the next line.
- „ 382. Exemption, 2nd para, for (a) read (b).
- „ 382. Under Article 8, Exemption (b)—for the words “Appraisement for crops” read “Appraisement of crops.”
- „ 383. Under Article 11 (a) in line 2, after the word “award” insert the words “relates as set forth in such award” and against 11 (a) insert ‘a’ between ‘as’ and ‘Bond.’
- „ 386. Under Article 15 in the fourth line, for the word ‘so’ insert the word ‘to.’
- „ 387. Under Article 22 in the first line—for ‘5 (10)’ insert ‘2 (9).’
- „ 389. Under Article 26 exemption in the second line—for the word ‘of’ insert ‘or.’
- „ 392. for ‘(a)’ under 33, insert ‘(v).’
- „ „ In para 2 under 33 (c)—for the word ‘arrangement’ insert the word ‘agreement.’
- „ 393. Do —for the word ‘eigh’ insert the word ‘eight.’
- „ „ Under Article 36 in the 5th line, for the word ‘of’ insert the word ‘at.’
- „ 394. Under Article 38 (b), after the word ‘when’ insert the words ‘at the time of execution.’
- „ 395. Under Article 38 exemptions first line, for the words ‘Instrument’ read ‘Instruments.’
- „ 395. Under Article 40 in line four, after the word ‘made’ add the words ‘or signed.’
- „ 396. Under Article 43, for the word ‘or’ insert the word ‘of.’
- „ 396. Under Article 43 proviso (b) in the first line, for the word ‘when’ insert the word ‘where.’
- „ Do in (c) in the fifth line, after the word ‘and’ insert the words ‘an instrument of partition.’
- „ 399. Under Article 45E in line 3 for the word ‘on’ insert the word ‘or.’
- „ 400. Under Article 46 (a), in the second line—for the word ‘for’ insert the word ‘of.’

- Page 400. Under Article 46 (c) line 2, *after the word 'jointly' add the words 'and severally.'*
- „ 401. In the first line for '8' *insert '48.'*
- „ „ Before the heading 'protest by the master of a ship' *insert '49.'*
- „ 402. Under Article 51 (c) in the first line, *for the word 'or' insert the word 'on.'*
- „ „ Under Article 51 (e) in the second line—*for the word 'of' insert the word 'or.'*
- „ „ Under Article 51 (g) in the first line—*for the word 'of' insert the word 'or.'*
- „ „ Under second proviso to 51 (h) in the third line—*for the word 'open' read 'upon.'*
- „ 403. Under Article 54 in the third line, *for the words 'laden or board' read the words 'laden on board.'*
- „ 404. In the first line, *for '56' insert '55.'*
- „ „ Under proviso to 56 in the fourth line, *add the word 'with' before the word 'the.'*
- „ „ Under Article 56 B in line 2 in the second column, *for (Vol. 14) read (No. 14.)*
- „ 406. Under Article 60 (b) in line 3, *for the word 'expect' insert the word 'except.'*
- „ „ Under Article 60 (d) in the second column, line 4—*for the word 'clause' read 'clauses.'*
- „ „ Under Article 61 second column in line 2—*for ' (Vol. 22) ' read ' (No. 22).'*
- „ „ Do third line, *for the word 'or' read 'for.'*
- „ 407. Under Article 62 A first line, *after the word 'Declaration' insert the word 'of.'*
- „ „ Under Article 63 in line 1, *for the words 'warrants of goods' read 'warrant for goods.'*
- „ 412. Schedule IA. Article 11—*for "leading" read "lading."*
- „ 417. Do Article 25 b (ii)—*for 'in' read "is."*
- „ 418-19. Do Article 28—*for sub-paras (a) and (b) occurring after (a) (viii) read (b) and (c).*
- „ 419. Do Article 28. Exemption, fourth line—*for "of" read "or."*
- „ „ Do Article 28 Explanation—*for "lesson" read "lessee."*
- „ 421. Schedule IA, Article 34—*for "of" occurring against (b) second column last line, read "or".*
- „ 422. Schedule IA, Article 36 N.B. line 5—*for "than" read "then" and for "items" occurring in (b) of the proviso to N.B.—read "times."*
- „ 422. Article 36—N. B.—1st Proviso, *for (v) read (a).*
- „ 424. Schedule IA, Article 40—*for "matter" occurring in the first line, read "master"; for "this" read "that" and for "average" read "averages."*

- Page 421. Schedule IA, Article 41—*for* “poryperty” *read* “property.”
- „ 424. „ „ 42—*for* “of” occurring in (a) *read* “or.”
- „ 425. „ „ 44(c)— *for* “officer” *read* “officers.”
- „ 427. „ „ 48, Exemptions (b)—*for* “to” occurring in the 3rd line, *read* “of.”
- „ 430. Contents, Section 4 iv (b)—*for* “show” *read* “share.”
- „ 431. Contents—*delete* Section 13 and the words in continuity.
- „ 432. „ „ „ 39 „ „
- „ 434. Section 4—*for* “exceptions” *read* “except suits.”
- „ 440. „ 14, para 2—*for* “effect” occurring in the 2nd line *read* “affect.”
- „ 441. Section 16 XI—*insert the word* “charge” *between* “application” *and* “or information.”
- „ 441. Section 16 XIII—*insert* “a” *before* “Public Servant.”
- „ 442. „ 18 line 4—*for* “amount of value” *read* “amount or value.”
- „ 446. Section 28—*for* “repeated” *read* “repealed.”
- „ 448. in the margin under 35—*after the word* “renewal” *insert the words* “or refund.”
- „ 449. „ 39 is repealed by Regulation VI of 1927.
- „ 455. Schedule I—*for the figure* “370” occurring in the 2nd column, *read* “270.”
- „ 455. Schedule I— *for the figure* “960” occurring in the 5th column, *read* “660.”
- „ 462. Para 3 in the 1st line—*for the word* “exclusively” *insert the word* “exclusive.”
- „ 462. in the 1st line under “Leasehold property” *for the word* “lease” *insert the word* “leases.”
- „ 469. under Section 1—*for the word* “the” before the word Regulation, *insert the word* “this.”
- „ 470. Foot note under Section 5 in line 2—*after the word* “eighty” *insert the word* “grains.”
- „ 470. Foot note under Section 7 in line 3—*for the word* “eleven-twelfth” *insert the word* “eleven-twelfths.”
- „ 470. Foot note under Section 8—*omit the figure* “2”
- „ 470. Foot note under Section 8 (4)—*for the word* “pice” *insert the word* “pie” and *for the word* “piece” *insert the word* “pice.”
- „ 471. Foot note under Section 10 in line 5—*after the word* “designation” *insert the word* “of.”
- „ 472. Foot note under Section 14 in line 1 and 3—*for the word* “piece” *insert the word* “pice.”
- „ 472. Foot note under Section 15 in the 2nd line—*for the figure* “XVIII” *insert the figure* “XVII.”
- „ 472. Foot note under Section 15 last but one line—*for the words* “this Act in” *read the words* “this Act or in.”

- Page 473. Foot note under section 19 to 26—for the figure 'VIII' insert the figure 'VII.'
- „ 476. Contents section 9—for the word 'Exhibition' read 'Extinction.'
- „ 476. Contents section 19—for the word 'sections' read 'section.'
- „ 476. Contents section 20—for the word 'Forest' read 'Forests.'
- „ 476. Contents section 26—for the word 'expected' read 'excepted.'
- „ 479. Under section 1 (5) in line 9—for the figures '1873' read '1878.'
- „ 480 „ Section 2 (4) in the 2nd line—for the word 'would' read 'wood.'
- „ 481. Under section 2 (7) in the 3rd line—for the word 'kinds' read 'kids.'
- „ 485 „ section 12(b) in the 2nd line—omit the word 'only.'
- „ 485. „ „ 13 (b) in the 2nd line—for the word 'reasonable' read 'reasonably.'
- „ 492. In section 34 last line—for the word 'therein' read 'thereto.'
- „ 492 Under section 35(11) in the 3rd line—for the word 'on' read 'of.'
- „ 494. Chapter IVA has been added by Regulation IV of 1927.
- „ 494. Section 36C(b)—for "by appointed" read "appointed by."
- „ 497. In the margin of section 38—for the word 'kist' read 'last.'
- „ 500. In the margin of section 46—for the word 'production' read 'procedure.'
- „ 501. In the margin of section 53—omit the words 'punishment for wrongful seizure' and insert the same in the margin of section 54.
- „ 508. Under section 81 in the 3rd line—for the word 'establishment' read 'established.'
- „ 509. Under section 84 in the 9th line—for the words 'such as' read the words 'such breach as.'
- „ 511. Section 2—for "Pea owl" read "Pea fowl."
- „ 512. „ 4, marginal heading—for "production" read "protection."
- „ 513. Section 8—insert "or" between the words "Regulation" and "in contravention."
- „ 513. Section 10, line 2—read fees and fines. For 'fees fines'
- „ 514. „ 11, 3rd line—after "address" insert the words "or gives a name and address."
- „ 515. Preamble against section 1 is to be read against the 1st para of the Regulation.
- „ 516. Section 1—for "fines exceeding" read "fines not exceeding."

- Page 517. Table of Contents—Section 8—*insert* “not” *after* “6 and 7.”
- „ 518. Table of Contents—Section 25—*for* “licenses” *read* “licensees.”
- „ 518. Table of Contents—Section 27—*for* “licenses” *read* “licensees.”
- „ 520. Section 2—*for* “1875” *read* “1885.”
- „ 522. „ 12(b)—*read* the chemical formula as $C_{17} H_{21} NO_4$.
- „ 522. „ „ sub-section (IV)—*for* “official or non-official” *read* “officinal or non-officinal.”
- „ 523. Sub-section (19) to section 13—*for* “ar coloured” *read* “are coloured.”
- „ 523. Section 4 clause (d) margin—*for* “58” *read* “53.”
- „ 524. „ 6—*for* “the Regulation” *read* “this Regulation.”
- „ 525. „ 10, margin—*for* “intoxicating” *read* “intoxicating.”
- „ 528. „ 15, last clause—*for* “shall” *read* “sold.”
- „ 528. Foot note [b]—*for* “the original Regulation” *read* “the original by Regulation.”
- „ 529. Section 16, last sentence—*for* “tress” *read* “trees.”
- „ 531. „ 22, last line—*after* “assignee” *insert the words* “and such lessee or assignee” *before* “shall have etc.”
- „ 531. Section 25, margin—*for* “licenses” *read* “licensees.”
- „ 532. „ 26 „ license „ liceses.
- „ 532. „ 27 „ „ „ „
- „ 534. Clause (n)—*for* “for grant” *read* “for the grant.”
- „ 535. Section 31, line 7—*for* “under section 55 or section 58” *read* “under section 55 or section 57 or section 58.”
- „ 536. Section 34 end—*for* “cancelled” *read* “concealed.”
- „ 537. „ 39—*for* “Departments” *read* “department.”
- „ 543. „ 56, margin—*for* “license” *read* “licensee.”
- „ 554. „ 9 (2), line 2—*for* “cause shown *on* its satisfaction” *read* “cause shown *to* its satisfaction.”
- „ 561. Section 1 (1), line 2—*for* “an amended” *read* “as amended.”
- „ 561. Illustration (b), para 2—*for* “Counterfeit Coins” *read* “Counterfeit Coin.”
- „ 561. In the top at the left hand corner—*for the words* “Regulation VIII—1900” *read* Regulation VIII—1901.
- „ 562. Section 6, explanation 1—*for* “itself at fact” *read* “itself a fact.”
- „ 563. Section 3. 36B, line 12—*for* “forest officer” *read* “forest offence.”
- ~68 Index. Line 1—*for the figure* “459” *read* “450.”

CHRONOLOGICAL TABLE OF REGULATIONS PASSED SUBSEQUENT TO THE RENDITION.

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
I of 1883 ..	The Mysore Civil Courts Regulation, 1883.	Amended, Regulation V of 1892 ; Regulation VI of 1894 ; Regulation II of 1898 ; Regulation III of 1901 ; Regulation VIII of 1911 ; Regulation IX of 1915 and Regulation VII of 1926.	I
I of 1884 ...	The Mysore Chief Court Regulation, 1884.	Amended by Regulations II of 1890, IV of 1903, II of 1905, III of 1909, and III of 1911.	7
II of 1884 ...	<i>A Regulation to introduce into Mysore the Code of Civil Procedure (Act XIV of 1882.)</i>	<i>Repealed by Regulation III of 1911.</i>	...
III of 1884 ...	The Mysore Legal Practitioners' Regulation, 1884.	Amended by Regulations I of 1897, XII of 1919 and X of 1928.	15
• I of 1885 ...	The Yelandur Jahgir Regulation 1885.	.....	22
• II of 1885 ...	A Regulation applying to Mysore, Act XVI of 1863 (Excise duty on Spirits used exclusively in Arts and Manufactures or in Chemistry).	.....	28
III of 1885 ...	<i>A Regulation applying to Mysore, the Excise Act, 1881.</i>	<i>Repealed by Regulation V of 1901.</i>	...
I of 1886 ...	<i>A Regulation introducing into Mysore the Code of Criminal Procedure (Act X of 1882).</i>	<i>Repealed by Regulation II of 1904.</i>	...
I of 1887 ...	The Bangalore City Hackney Carriage Regulation, 1887.	<i>Repealed by Regulation VII of 1911.</i>	...

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
<i>II of 1887 ...</i>	<i>A Regulation to amend Regulation II of 1884 (introducing the Code of Civil Procedure).</i>	<i>Repealed by Regulation III of 1911.</i>	...
<i>I of 1888 ...</i>	<i>A Regulation to amend Regulation I of 1886 (introducing the Code of Criminal Procedure.)</i>	<i>Repealed by Regulation II of 1904.</i>	..
<i>II of 1888 ...</i>	The Mysore Explosives Regulation, 1888.	.....	31
<i>III of 1888 ...</i>	<i>A Regulation applying to the City of Mysore the Bangalore Town Municipal Regulations of 1871.</i>	<i>Repealed by Regulation VII of 1906.</i>	...
<i>IV of 1888 ...</i>	The Mysore Land Revenue Code, 1888.	Amended by Regulations I of 1891, III of 1892, VI of 1905, VI of 1906, I of 1909, V of 1912, II of 1916, VIII of 1916 I of 1919, VII of 1919, VIII of 1920, XIII of 1923, V of 1926 and XVII of 1928.	37
<i>I of 1890 ...</i>	<i>A Regulation to amend the Municipal Regulations of 1871, in force in the Cities of Bangalore and Mysore.</i>	<i>Repealed by Regulation VII of 1906.</i>	...
<i>II of 1890 ...</i>	A Regulation to amend the Mysore Chief Court Regulation, 1884.	Amended in part by Regulation III of 1911.	142•
<i>III of 1890 ...</i>	The Measures of Length Regulation, 1890.	.....	145
<i>IV of 1890 ...</i>	The Land Improvement Loans Regulation, 1890.	Amended by Regulations V of 1899 and Regulation I of 1901 and Repealed in part by Regulation I of 1903.	147
<i>V of 1890 ...</i>	<i>The Mysore Census Regulation, 1890.</i>	<i>Spent, as the Census which the Regulation contemplated has been taken.</i>	...

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
VI of 1890 ...	The Mysore Arms Regulation, 1890.	Amended by Regulation III of 1928.	152
I of 1891 ...	A Regulation to amend the Mysore Land Revenue Code, 1888.	.....	161
I of 1892 ...	The Mysore Merchandise Marks Regulation, 1892.	Amended by Regulation V of 1905.	162
II of 1892 ...	A Regulation to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	.....	173
III of 1892 ..	A Regulation to further amend the Mysore Land Revenue Code, 1888.	..	175
IV of 1882 ...	<i>The Mysore Factories Regulation, 1892.</i>	<i>Repealed by Regulation III of 1914.</i>	..
V of 1892 ...	A Regulation to amend the Mysore Civil Courts Regulation, 1883,	.....	176
VI of 1892 ...	A Regulation to amend the Indian Contract Act. 1872.	.....	177
VII of 1882 ...	<i>The Civil Procedure Code Amendment Regulation, 1882.</i>	<i>Repealed by Regulation III of 1911.</i>	...
VIII of 1892 ...	A Regulation to amend the Cattle Trespass Act. 1871.	.....	178
I of 1893 ...	A Regulation for avoiding loss by the default of Public Accountants.	Amended by Regulation XII of 1918.	182
I of 1894 ...	A Regulation to amend Act XXV of 1867 (Printing Presses and Newspapers, etc).	.....	184

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
II of 1894 ...	A Regulation to amend the Indian Penal Code, 1860.	.....	188
III of 1894 ...	<i>A Regulation to make provision for the trial of offences against the Post Office Law in Mysore.</i>	<i>Repealed, Regulation II of 1895.</i>	...
IV of 1894 ..	The Mysore Railways Regulation, 1894.	Amended by Regulation X of 1919.	189
V of 1894 ...	The Mysore Prisoners' Testimony Regulation, 1894.	.....	244
VI of 1894 ..	A Regulation to further amend the Mysore Civil Courts Regulation, I of 1883.	.....	250
VII of 1894 ...	The Mysore Land Acquisition Regulation, 1894.	Amended by Regulation XI of 1916 and I of 1927.	251
VIII of 1894 ...	<i>A Regulation to amend the Indian Registration Act, III of 1877.</i>	<i>Repealed by Regulation I of 1903.</i>	...
IX of 1894 ...	<i>The Government Securities Regulation, 1894.</i>	<i>Repealed by Regulation VIII of 1925.</i>	..
X of 1894 ..	The Mysore Infant Marriages Prevention Regulation, 1894.	....	276
XI of 1894 ...	<i>The Mysore Inventions and Designs Regulation, 1894.</i>	<i>Repealed by Regulation III of 1925.</i>	..
I of 1895 ...	The Prevention of Cruelty to Animals Regulation, 1895.	.....	278
II of 1895 ...	<i>A Regulation to assimilate the law relating to Post Offices in Mysore to that which is from time to time in force in British India.</i>	<i>Repealed, Regulation I of 1899.</i>	...

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
<i>III of 1895 ...</i>	<i>The Mysore Companies Regulation, 1895.</i>	<i>Repealed by Regulation VII of 1917.</i>	...
<i>I of 1896 ...</i>	<i>A Regulation to provide for the appointment of a special Tribunal to pass final judgment in the matter of the claim of Brijlal Dass against the Government of Mysore.</i>	<i>Spent, as the matters contemplated by the Regulation have been finally settled.</i>	...
<i>II of 1896 ...</i>	<i>The Mysore Cotton Duties Regulation, 1896.</i>	<i>Repealed by Regulation VI of 1926.</i>	...
<i>III of 1896 ...</i>	<i>A Regulation to amend the Indian Limitation Act, XV of 1877, as extended to Mysore.</i>	<i>Repealed by Regulation IV of 1911.</i>	...
<i>I of 1897 ...</i>	<i>A Regulation to amend the Mysore Legal Practitioners' Regulation, 1884.</i>	.....	281
<i>II of 1897 ...</i>	<i>The Epidemic Diseases Regulation, 1897.</i>	....	283
<i>III of 1897 ...</i>	<i>The Mysore Mines Regulation, 1897.</i>	<i>Repealed by Regulation IV of 1906.</i>	...
<i>IV of 1897 ...</i>	<i>The Sringeri Jahgir Inam Settlement Regulation, 1897.</i>	.....	284
<i>I of 1898 ...</i>	<i>The Mysore Village Sanitation Regulation, 1898.</i>	<i>Repealed by Regulation II of 1926.</i>	...
<i>II of 1898 ...</i>	<i>A Regulation to further amend the Mysore Civil Courts Regulation, I of 1883, as amended by Regulations V of 1892 and VI of 1894.</i>	<i>Amended, Regulation III of 1901.</i>	286

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
I of 1899 ...	A Regulation to assimilate the law relating to Post Offices in Mysore to that which is from time to time in force in British India.	.....	287
II of 1899 ...	The Mysore Military Regulation, 1899.	Amended by Regulations V of 1900, IV of 1901, I of 1905, IV of 1905, II of 1907, II of 1910, II of 1913, II of 1914, I of 1920 and V of 1921.	288
II of 1899 ...	The General Clauses Regulation, 1899.	.....	323
V of 1899 ...	A Regulation to apply the provisions of the Indian Telegraph Act, 1885, to all telegraph lines in Mysore.	.....	336
V of 1899 ..	The Land Improvement Loans (Amendment) Regulation, 1890.	.....	337
I of 1899 ...	A Regulation to provide for and regulate the destruction and segregation of stray dogs and of diseased horses and cattle.	Amended by Regulation II of 1927.	338
I of 1899 ...	<i>A Regulation to amend in certain respects the Municipal Regulations of 1871.</i>	<i>Repealed by Regulation VII of 1906.</i>	...
I of 1900 ...	<i>A Regulation to amend the Mysore Mines Regulation, 1897.</i>	<i>Repealed by Regulation IV of 1906.</i>	...
I of 1900 ...	The Mysore Stamp Regulation, 1900.	Amended by Regulations II of 1908, IV of 1916, VII of 1922, I and IV of 1928.	339

VII

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
III of 1900 ...	The Mysore Court Fees Regulation, 1900.	Amended by Regulations VII of 1901, I of 1908, II of 1912, IV of 1914 amended and repealed in part by Regulation III of 1911, V of 1911, VIII of 1922, I of 1924 and VI of 1927.	430
IV of 1900 ...	The Mysore Electricity Regulation, 1900.	.....	465
V of 1900 ..	A Regulation to amend the Mysore Military Regulation, 1899.	.....	468
VI of 1900 ..	<i>A Regulation to further amend the Mysore Mines Regulation, 1897.</i>	<i>Repealed by Regulation IV of 1906.</i>	...
VII of 1900 ...	The Coinage Regulation, 1900.	.....	469
VIII of 1900 ...	<i>A Regulation to further amend the Municipal Regulations of 1871.</i>	<i>Repealed by Regulation VII of 1906.</i>	...
IX of 1900 ... •	<i>The Mysore Census Regulation, 1900.</i>	<i>Spent</i> ... ..	...
X of 1900 ...	A Regulation to further amend the Indian Evidence Act, 1872, as in force in Mysore.	.....	475
XI of 1900 ...	The Mysore Forest Regulation, 1900.	Amended by Regulations IX of 1901, VII of 1920 and IV of 1927.	476
I of 1901 ..	A Regulation to amend the Land Improvement Loans Regulation, 1890.	.....	510
II of 1901 ...	The Mysore Game and Fish Preservation Regulation, 1901.	.....	511

No. and year	Title or short title	Whether repealed or otherwise affected by legislation	Page
III of 1901 ..	A Regulation to further amend the Mysore Civil Courts Regulation, I of 1883.	.....	515
IV of 1901 ..	A Regulation to further amend the Mysore Military Regulation, 1899, as amended by Regulation V of 1900.	.....	516
V of 1901 ...	The Mysore Excise Regulation, 1901.	Amended by Regulations IV of 1902, V of 1904, V of 1906, VIII of 1913 V of 1920 and III of 1923.	517
VI of 1901 ...	<i>A Regulation to further amend the Code of Civil Procedure as in force in Mysore.</i>	<i>Repealed by Regulation III of 1911.</i>	...
VII of 1901 ..	The Succession Certificate Regulation, 1901.	Repealed in part by Regulation I of 1924.	550
VIII of 1901 ...	A Regulation to amend the Indian Evidence Act, 1872, as it is in force in Mysore.	.....	561
IX of 1901 ...	A Regulation to amend the Mysore Forest Regulation, 1900.	.....	563

THE MYSORE CODE

REGULATION No. I OF 1883.

(PASSED ON THE 16TH DAY OF JUNE, 1883.)

The Mysore Civil Courts Regulation, 1883.

WHEREAS it is expedient to consolidate and amend the law relating to the constitution, powers and jurisdiction of the Civil Courts in the territories of Mysore subordinate to the Court of the Chief Judge of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. This Regulation may be called “The Mysore Civil Courts Regulation, 1883.”

It extends to the whole of the territories of Mysore; And it shall come into force on the 1st day of July 1883.

2. From and after that day, the Notification of the Government of India No. 235 I. J., Foreign Department, dated Simla, the 27th of August 1879, shall be repealed.

3. Besides the Court of the Chief Judge of Mysore, which shall hereafter be styled “The Chief Court of Mysore” there shall be [four] classes of Civil Courts, namely.—

- 1stly. The District Court.
- 2ndly. The Court of the Subordinate Judge.
- 3rdly. The Court of the Munsiff.
- * 4thly. The Court of Small Causes*.

4. (a) The number of District Courts and of the Courts of Subordinate Judges and Munsiffs* and of the Courts of Small Causes* shall be fixed, and may, from time to time, be altered by the Government of Mysore.

[—] Substituted for the word “three” by Schedule II to Regulation VIII of 1911.

* These words were added by Schedule II to Regulation VIII of 1911.

Sections 4-4 B.

Locality of
Courts.

(b) The place at which every such Civil Court shall be held shall be fixed, and may, from time to time, be altered by the Government of Mysore.

Appointment
of Judges.

(c) The Judge of every such Civil Court shall be appointed by the Government of Mysore, provided that the appointment of a Munsiff shall be made only upon nomination by the Chief Court of Mysore.

* Provided further that in emergent cases, *i.e.*, in the event of the death of a Munsiff, or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the Chief Court may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office. *

Seal of Court.

(d) Every such Civil Court shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government of Mysore. The seal now used by every such Civil Court shall be deemed to have been prescribed under this section.

† 4 A. The Government of Mysore may, by notification, fix, and, from time to time, vary the number of Subordinate Judges to be appointed for a Subordinate Judge's Court or the number of Munsiffs to be appointed for a Munsiff's Court.

† 4 B. When more than one Subordinate Judge is appointed to a Subordinate Judge's Court or more than one Munsiff to a Munsiff's Court, one of the Subordinate Judges or the Munsiffs shall be appointed the Principal Subordinate Judge or Principal Munsiff and the others Additional Subordinate Judges or Additional Munsiffs as the case may be.

Each of the Judges appointed to a Subordinate Judge's Court or a Munsiff's Court may exercise all or any of the powers conferred on the Court by this Regulation or any other law for the time being in force.

Subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal Munsiff may, from time to time, make such arrangements

* This proviso was added by Regulation VI of 1894, s. 1.

† Added by Regulation VII of 1926.

Sections 5-10.

as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

5. The Government of Mysore may fix, and may from time to time alter, the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff* or of a Court of Small Causes.* The present local limits of the jurisdiction of every such Court shall be deemed to have been fixed under this Regulation.

Local
jurisdiction of
Courts.

6. The jurisdiction of the District Court shall extend, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

Jurisdiction
of District
Courts.

7. The District Court shall be deemed to be the Principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

Principal
Civil Court in
District.

8. The District Court shall, subject to the general control of the Chief Court of Mysore, have control over all Civil Courts within the limits of its local jurisdiction.

Control of
Subordinate
Courts in
District.

9. The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 5,000.

Jurisdiction of
Subordinate
Judge.

† Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000,† ‡ or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject matter.‡

Power to
enhance
Subordinate
Judge's
jurisdiction
up to
Rs. 10,000 or
without limit.

10. The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 1,000.

Jurisdiction
of Munsiff.

§ Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 2,500.§

Power to
enhance
Munsiff's
jurisdiction
up to
Rs. 2,500.

* These words were added by Schedule II to Regulation VIII of 1911.

† Added by Regulation II of 1898, s. 1.

‡ Added by Regulation III of 1901, s. 1.

§ Added by Regulation II of 1898, s. 2.

Sections 10 A-15.

Jurisdiction
of a Court of
Small Causes.

* 10 A. The jurisdiction of a Court of Small Causes shall be regulated in accordance with the law relating to such Courts for the time being in force in Mysore.

Valuation of
suits.

11. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Regulation, be fixed in manner provided by the Court Fees Act 1870, Section 7, Clause (v). †

Appeal from
District
Court.

12. Appeals from the decrees and orders passed in original suits and proceedings by a District Court shall, when such appeals are allowed by law, lie to the Chief Court of Mysore.

Appeal from
Subordinate
Judge.

13. Appeals from the decrees and orders passed by a Subordinate Judge in original suits and proceedings shall, when such appeals are allowed by law, lie to the Chief Court of Mysore, except when the amount or value of the subject-matter of the original suit or proceeding does not exceed Rs. 3,000, in which case the appeal shall lie to the District Court having local jurisdiction.

Appeal from
Munsiff.

14. Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction.

Provided that such District Court may refer any such appeal for disposal to any Subordinate Judge within the limits of its local jurisdiction.

‡ And provided further that, notwithstanding anything contained in Section 14 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, the Government may, from time to time, by notification in the Official Gazette, direct that appeals from the decrees and orders of a Munsiff or Munsiffs within an area to be specified in such notification shall lie direct to any such Subordinate Judge.

Second
Appeal

15. A second appeal from a decree or order passed by a District Court or by the Court of a Subordinate Judge in an appeal, suit or proceeding shall, when such appeal is allowed by law, lie to the Chief Court of Mysore.

* This section was added by Schedule II to Regulation VIII of 1911.

† Now, the Court Fees Regulation, 1900, section 4, clause v.

‡ This further proviso was added by Regulation III of 1901, s.2.

Sections 16-18.

16. The Government of Mysore may, by notification in the *Mysore Gazette*, invest, within such local limits as it shall from time to time appoint, any * District Judge or * Subordinate Judge or other officer specially selected by it, with jurisdiction of a Court of Small Causes, for the trial of suits cognizable by such Court, up to any amount not exceeding Rs. 500;

Small Cause powers.

and any Munsiff, with the same jurisdiction up to any amount not exceeding Rs. 100.†

and it may, by like notification, withdraw or alter the jurisdiction so vested.

17. Where in any suit or proceeding it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution,

Law applicable to questions of succession, etc.

(a) the Muhammadan law in cases where the parties are Muhammadans, and the Hindu Law in cases where the parties are Hindus, or

(b) any custom (if such there be) having the force of law and governing the parties or property concerned, shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(c) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

‡ **17 A.** Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorizing him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal:

Refund of half fee in uncontested cases.

Provided that the said application is made within six months of the date when the judgment or final order was passed.

In all such cases, the party ordered to pay costs, shall be charged only with half the amount of the institution fee.

18. No Judge shall try any suit to, or in, which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Judge not to try suits in which he is interested,

* These words were inserted by Regulation V of 1892, s. 1.

† The figure "100" was substituted for "50" by Regulation IX of 1915, s. 1.

‡ This section was inserted by Regulation II of 1898, s. 3.

Sections 19-22.

or, appeals
from his de-
crees passed
in another
capacity.

No Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such Judge, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section 25.*

Suspension or
removal of
Judges.

19. Any District Judge, Subordinate Judge, †Munsiff ‡ or a Judge of a Court of Small Causes† may, for any misconduct, be suspended or removed by the Government of Mysore.

Suspension or
removal of
Munsiffs.

20. The Chief Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct, or appoint a commission for enquiring thereinto.

On the completion of such enquiry held by itself, or on receiving the report of the commission appointed to conduct such enquiry, the Chief Court may, if it thinks fit, and subject to the confirmation of Government, remove the Munsiff from office, or suspend him, or reduce him to a lower grade.

Appointment,
&c., of minis-
terial officers.

§21. Subject to such rules as the Government of Mysore may prescribe in this behalf, the ministerial officers of every Court shall be appointed, and may be fined, suspended or removed, by the Judge of that Court.

Vacation.

22. The Chief Court of Mysore may permit the Civil Courts under its control to adjourn, from time to time, for periods not exceeding in the aggregate six weeks in each year in addition to public holidays authorized by the Government of Mysore.

* Now section 24 of Regulation III of 1911.

† The word 'or' here was omitted by Schedule II to Regulation VIII of 1911.

‡ These words were added by Schedule II to Regulation VIII of 1911.

§ Substituted by Regulation IX of 1915, s. 2.

REGULATION No. I OF 1884.

(PASSED ON THE 23RD DAY OF MAY, 1884.)

The Mysore Chief Court Regulation, 1884.

Whereas it is expedient to amend the constitution of the Chief Court of Mysore, His Highness the Maharaja of Mysore is pleased to enact as follows:—

1. This Regulation may be called “The Mysore Chief Court Regulation, 1884.” Short title.

It shall extend to the whole of the Territories of Mysore; and Extent and Commencement.

It shall come into force on the twenty-eighth day of May 1884.

But nothing herein contained shall affect any jurisdiction vested in the British Government. Saving of British jurisdiction.

2. On and from that day, the Rules published with Government of India—Foreign Department—Notifications No. 236 I. J., dated 27th August 1879, and Nos. 281 I. J. and 282 J. G., dated 10th October 1879, shall be repealed. Repeal.

3. In this Regulation, unless a contrary intention appears from the context,— Interpretation Clause.

“Chief Court” means the Chief Court of Mysore as constituted under this Regulation; and

“Chief Judge” means the Chief Judge of the said Chief Court appointed under this Regulation;

• And reference to the “Chief Court” or to the “High Court” in any Regulation, Act, or other law for the time being in force, shall be deemed to have been made to the Chief Court as constituted under this Regulation.

“Full Bench” means a Bench consisting of * not less than three * Judges of the Chief Court.

4. The Chief Court of Mysore shall consist of three or more Judges who shall be appointed by His Highness the Maharaja of Mysore, and shall hold their offices during His Highness’ pleasure. Constitution of Chief Court

One of the Judges of the Chief Court shall be appointed to be the Chief Judge of that Court by His Highness the Maharaja, provided that the officer holding the appointment of the Chief Judge at the time of this

* Substituted for the words “all the” by Regulation III of 1909.

Sections 5-9.

Regulation coming into operation shall become the Chief Judge of the Chief Court of Mysore as constituted under this Regulation without further appointment.

Precedence of Judges-

5. The Chief Judge shall have rank and precedence before the other Judges of the Chief Court, who as between themselves shall have rank and precedence according to the seniority of their appointments as such Judges.

Seal of Chief Court.

6. The Chief Court shall have and use, as occasion may require, a seal bearing a device and impression of the Royal Arms of His Highness the Maharaja of Mysore with the inscription "The Chief Court of Mysore" in English and Kanarese. The said seal shall ordinarily be kept in the custody of the Chief Judge.

All decrees, orders, summonses and other processes issued by the Chief Court shall be sealed with the said seal and shall be signed by a Judge or the Registrar * or Deputy Registrar * of the Chief Court.

Appointment of ministerial officers

7. (1) The Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Government of Mysore, appoint a Registrar and a Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise of the powers and discharge of the duties conferred and imposed on the said Court by this Regulation.

(2) The appointment of the Registrar and Deputy Registrar shall be subject to the sanction of the Government of Mysore.

(3) The Registrar and other ministerial officers of the Chief Court holding appointments on the date of this Regulation coming into force shall be deemed to have been appointed hereunder.

Duties of ministerial officers.

8. The officers appointed under the last preceding section shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may, from time to time, direct.

Suspension and dismissal of ministerial officers

9. Any such officer may be suspended or dismissed from his office by order of the Chief Court, provided that the Registrar and Deputy Registrar shall not be dismissed without the previous sanction of the Government of Mysore.

* These words were inserted by Regulation IV of 1903,

Sections 10-12.

10. The Chief Court shall be deemed, for the purpose of all enactments for the time being in force, to be the highest Court of civil and criminal appeal, reference and revision in the territories of Mysore, and all the Courts, civil and criminal, in the said territories shall be subject to its superintendence and control.

Chief Court to be highest Court, having control over all other Courts.

11. Where, in any suit or proceeding it is necessary for the Chief Court to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution,

Law in cases of succession &c.

(a) the Mahomedan Law where the parties are Mahomedans, and the Hindu Law where the parties are Hindus, or

(b) any custom (if such there be) having the force of law and governing the parties or property concerned, shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(c) In cases where no specific rule exists, the Chief Court shall act according to justice, equity and good conscience.

* **12.** (1) The Government of Mysore may, whenever it deems fit, confer upon the Chief Court, by notification in the Official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the said Government may, from time to time, declare and appoint in that behalf.

Ordinary original civil and criminal jurisdiction of Chief Court.

(2) The said Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the Chief Court under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

(3) The local limits within which ordinary original civil jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure.

(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a Sessions

* Substituted by Regulation II of 1890.

Sections 12-14.

Division within the meaning of the Code of Criminal Procedure.

(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under "The Mysore Civil Courts Regulation, 1883."

(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure.

Appeals, &c.,
from decisions
of Chief Court
in exercise of
original juris-
diction.

*** 13.** Appeals against, references regarding and applications for revision of, judgments, decrees, orders or sentences passed by a Judge of the Chief Court, in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12 or vested in it under any law for the time being in force, shall, when allowed by law, be heard either by a Bench consisting of two other Judges of the Chief Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the Official Gazette, from time to time direct. When there arises a difference of opinion between the two Judges composing a Bench hearing any appeal, reference or application under this section, the decision shall, notwithstanding anything contained in section 15 of this Regulation, or section 575† of the Code of Civil Procedure, or section 429 of the Code of Criminal Procedure, follow the original judgment, decree, order or sentence.

Chief Court's
jurisdiction to
hear and de-
cide appeals
from judg-
ment, &c., of
subordinate
Courts.

*** 14.** (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the said Government may, from time to time, declare and appoint, confer upon the Chief Court, by notification published in the Official Gazette, jurisdiction to hear and decide all

* Substituted by Regulation II of 1890.

† Now section 98 of Regulation III of 1911.

Section 15.

such appeals as are allowed by law to a District Court or Court of Session, from judgments, orders, decrees, or sentences passed by any subordinate Court, Civil or criminal, within the local limits aforesaid.

(2) During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the Chief Court shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily vest, except as regards cases of appeals which may be transferred by the Chief Court for hearing and disposal by such District Court or Court of Session.

(3) The Government of Mysore may, whenever it deems fit, by notification published in the Official Gazette, withdraw any appellate jurisdiction conferred upon the Chief Court under this section.

* 15. (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the Chief Court under any law for the time being in force, as well as all cases referred to the Chief Court for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court.

Appeals other than those under section 13 to be heard by a Bench of Judges.

(2) Any Bench of Judges of the Chief Court may refer to a Full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility of any evidence in any proceeding pending before it, on which there is no further appeal under the law for the time being in force.

(3) The decision of the majority of Judges comprising any Full Bench of the Chief Court or other Bench of the said Court consisting of not less than three Judges shall be the decision of the Chief Court.* † When a Bench of the Chief Court consists of only two Judges and there is a difference of opinion between such Judges on any material question pending before it, such question shall be disposed of in the manner prescribed in section 98 of the Civil Procedure Code, or section 429 of the Criminal Procedure Code, as the case may be, or, at the discretion of either of the Judges composing the Bench, it shall be referred to a Full Bench and the decision of the majority

* Substituted by Regulation II of 1890.

† This sentence was substituted by the Code of Civil Procedure, Regulation III of 1911, *vide* Section 155 and the Fourth Schedule.

Sections 16-17.

of the judges on such Full Bench shall be the decision of the Chief Court.

Power of Chief Court to transfer cases pending before it.

*16. The Chief Court may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Regulation.

Trial by a single Judge of the Chief Court of cases withdrawn from a subordinate Court.

† 16A. (1) Whenever the Chief Court withdraws an original case, civil or criminal, from the file of a subordinate Court for trial before itself, the Chief Court shall depute one of its Judges to try such case.

(2) The Judge so deputed shall conduct his proceedings in the same manner and subject to the same procedure as is laid down in section 12 (5) of this Regulation as regards civil cases and in section 526 of the Code of Criminal Procedure as regards criminal cases, respectively.

(3) The judgments, decrees, orders and sentences passed by such Judge shall be appealable to the Chief Court in the same manner and to the same extent as if such judgments, decrees, orders and sentences had been passed by a District Court or Court of Session, as the case may be.

(4) Articles 155 and 156 of ‡ the Second Schedule to the Indian Limitation Act, 1877†, but not Article 151, shall be deemed to be applicable to appeals under the preceding sub-section.

Power of single Judge to dispose of revision cases himself, or to refer the same to a Bench.

§16B. Notwithstanding anything contained in the proviso to section 19, any Judge of the Chief Court sitting alone shall have power to hear and dispose of Civil and Criminal Revision cases, and his orders and decisions in such cases shall be final. Provided that any such Judge may, if he thinks fit, instead of disposing of any such case as aforesaid, refer such case to a Bench of two Judges for disposal. .

Place of sittings of Chief Court.

17. The Chief Court shall hold its sittings at such place as the Government of Mysore may, from time to time, appoint in that behalf.

* Substituted by Regulation II of 1890.

† Inserted by Regulation IV of 1903.

‡ Now the first schedule to Regulation IV of 1911.

§ Substituted by Regulation II of 1905 for the original section, inserted by Regulation IV 1903.

Sections 18-20.

Whenever it appears to the Government of Mysore convenient that the jurisdiction and powers vested in the Chief Court by this Regulation, or any other law for the time being in force, should be exercised in any place other than the place appointed under paragraph 1 of this section, or at several of such other places by way of circuit, the Government of Mysore may by order authorize and direct any one or more of the Judges of such Court to hold sittings in such place or places as by such order may be directed, and the Judge or Judges acting under such order shall have and exercise the same jurisdiction and authority as would be had and exercised by a Judge or Judges of the Chief Court, as the case may be, in its ordinary place of sitting.

18. The Government of Mysore may, whenever it deems fit to do so, confer upon a Chief Judge all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order.

Powers which may be conferred upon Chief Judge.

The Chief Judge empowered under this section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the Chief Court under this Regulation.

The powers referred to in this section are—

1stly. The appointment of ministerial officers under paragraph 1 of section 7.

2ndly. The direction as to the powers and duties of ministerial officers under section 8.

3rdly. The distribution of the work of the Chief Court between himself and the other Judges of the said Court.

19. Except as herein or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide, in such manner as it thinks fit, for the exercise, by one or more of its Judges, of any powers conferred on it by this Regulation or by any other enactment for the time being in force.

Rules for exercise by one or more Judges of powers vested in Chief Court.

Provided that no decree, order, sentence or decision of any Court shall be reversed by any Judge of the Chief Court sitting alone.

20. The Chief Court may, from time to time,—

(a) make rules consistent with this Regulation conferring and imposing on the ministerial officers of the

Power of Chief Court to make rules.

Sections 21-23.

Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which the powers and duties so conferred and imposed shall be exercised and performed ;

(b) make rules consistent with this Regulation to determine in what cases Pleaders practising in such Courts shall be permitted to address such Courts in English ;

(c) prescribe forms for such books, entries, statistics, and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority ;

(d) make rules consistent with this Regulation providing for the inspection of such Courts and supervision of the working thereof ;

(e) make such rules consistent with this Regulation, institute such enquiries and submit such recommendations to the Government of Mysore, as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

Rules and forms under sections 19 and 20 to be submitted for sanction to Government.

21. All rules made and forms prescribed under sections 19 and 20 shall be submitted for sanction to the Government of Mysore, and, on receiving such sanction, shall be published in the Official Gazette, and shall thereupon have the force of law.

Chief Court to keep registers, &c.

22. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Government of Mysore such copies of, or extracts from, the said registers, books and accounts, as well as such statements of the work done in the Chief Court and in the Courts subordinate thereto, as may, from time to time, be required by the Government of Mysore.

Pending cases, appeals and applications.

23. All cases, appeals and applications, civil or criminal, which shall be pending before the Court of the District and Sessions Judge of the Nandidrug Division on the 28th day of May 1884, except such civil cases and applications as are within the jurisdiction of a Court of a Subordinate Judge, shall be heard and decided by the Chief Court under this Regulation.

REGULATION No. III of 1884.

(PASSED ON THE 21ST DAY OF JULY 1884.)

A Regulation to amend the Law relating to Legal Practitioners practising in the Courts of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Legal Practitioners in Mysore; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be cited “The Mysore Legal Practitioners’ Regulation, 1884.” Short title.

And it shall come into force on the 1st day of September 1884. Commencement.

It shall extend to the whole of the territories of Mysore. Local extent.

2. On and from the 1st day of September 1884, the Rules published in Chief Commissioner’s Notification No. 273, dated 13th February 1879 (relating to Advocates and Pleaders), and the Rules published in Chief Commissioner’s Notification No. 306, dated 12th March 1880, (relating to the agreements of Legal Practitioners with clients, etc.), shall be repealed. Repeal of Rules.

Notwithstanding anything herein contained, the Advocates and Pleaders of the 1st and 2nd grades, already enrolled under the Advocates and Pleaders’ Rules of the 13th February 1879, shall continue to practise under the provisions of the aforementioned Rules up to the 31st December 1884.

3. In this Regulation, unless there be something repugnant to the subject or context— Definitions.

“Legal Practitioner” means an Advocate or Pleader enrolled under this Regulation:

“Judge” means the presiding Judicial Officer of every Civil and Criminal Court by whatever name he is designated:

Sections 4-6.

"Government" means the Government of His Highness the Maharaja of Mysore :

* 'Tout' means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.

CHAPTER II.

ADVOCATES AND PLEADERS.

Who may
practise be-
fore Courts.

4. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for another in any Court in Mysore unless he has been enrolled as an Advocate or Pleader under this Regulation:

Provided that every person accused before any Criminal Court with an offence may, with the permission of the Court, but not otherwise, employ any person to assist him in his defence :

Provided further that any person *ex-officio* or otherwise authorized to act for Government in respect of any judicial proceeding may make and do appearances, acts and applications, within the scope of his authority on behalf of Government.

Courts in
which Advo-
cates may
practise.

5. Advocates duly enrolled under the provisions of this Regulation shall be entitled to appear, plead and act in the Chief Court of Mysore and in all Courts subordinate thereto, civil or criminal.

Courts in
which
pleaders may
practise.

6. † A Pleader shall be entitled to appear, plead and act in any Civil Court situate within a single district as defined in the Code of Civil Procedure, for which he may be enrolled, and in all Criminal Courts, provided that he shall not be entitled to practise in the Chief Court.

* Added by Regulation I of 1897, s. 1.

† This section was substituted by Regulation X of 1928 for the original Sections 6, 7 and 8 as amended by Regulation XII of 1919.

Sections 7-9.

* 7. The Chief Court may, from time to time, make rules consistent with this Regulation as to the following matters, namely :—

Chief Court to make Rules in regard to qualifications and for enrolment.

(1) the qualifications for admission as Advocates or as Pleaders † under this Regulation ;

(2) the certificates which should accompany applications for such admission ; and

(3) the stamp fee payable for certificates of admission to be granted by the Chief Court under section 8 ‡, or for the grant of renewed certificates under section 9 ‡ of this Regulation.

Rules made under this section, when approved by the Government and published in the Official Gazette, shall have the force of law.

* 8. Every person duly qualified in accordance with the rules framed under section 7 § may apply to the Chief Court of Mysore to be enrolled as an Advocate or Pleader under this Regulation. The application shall be accompanied by the certificates and the stamp fee, if any, required by the said rules.

Application for enrolment

The Chief Court may, if it thinks fit, grant the application, and, on the application being granted, shall issue a certificate upon a stamp paper of the proper value, if any, prescribed by the rules framed under section 7 §.

¶ The certificate granted to a Pleader under this section shall specify the Courts for which the applicant has been enrolled.

* 9. Every certificate issued to a Pleader under this Regulation shall authorize him to practise up to the end of the calendar year for which it is issued.

Certificate.

At or before the expiration of that period the holder of such certificate, if he desires to continue to practise, shall apply for the renewal of the certificate to the Chief Court through the District Judge within whose local jurisdiction he ordinarily practises. The Chief Court shall

* Original section 9 repealed by Regulation XII of 1919 and original sections 10, 11 *et seq* re-numbered by Regulation X 1928 as 7, 8 *et seq*.

† The words " of the 1st or 2nd grade " here were omitted by Regulation XII of 1919.

‡ " 8 " substituted for " 11 " and " 9 " for " 12 " by Regulation X of 1928.

§ " 7 " substituted for " 10 " by Regulation X of 1928.

¶ As amended by Regulation XII of 1919.

Sections 10-11.

thereupon renew the certificate for the current or next calendar year as the case may be: Provided that the Chief Court may decline to grant such application for proved bad character or other reason which, in the opinion of the Chief Court, unfits the applicant to continue as a Legal Practitioner.

A renewed certificate shall be issued upon a stamp paper of the proper value prescribed by rules under section 7.*

On every such renewal, the certificate then in possession of the Pleader shall be given up to, and cancelled and retained by, the Chief Court.

Suspension
and dismissal
of Legal Prac-
titioners con-
victed of cri-
minal offence.

†10. The Chief Court may suspend or dismiss any Legal Practitioner enrolled under the foregoing provisions, who shall be convicted of any criminal offence implying a defect of character which unfits him to be a Legal Practitioner.

Suspension
and dismissal
of Legal Prac-
titioners guilty
of unpro-
fessional con-
duct.

†11. The Chief Court may also, after such inquiry as it thinks fit, suspend or dismiss any Legal Practitioner enrolled as aforesaid—

(a) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions; or

(b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or

(c) who tenders, gives or consents to the retention out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Legal Practitioner; or

(d) who, directly or indirectly, procures or attempts to procure the employment of himself as such Legal Practitioner through, or by the intervention of any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given; or

* "7" substituted for "10" by Regulation X of 1928.

† Sections 13 A and 13 B, substituted for the original section 13 by Regulation I of 1897, were re-numbered as sections 10 and 11 by section 2 of Regulation X of 1928.

Sections 12-15.

(e) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 26*; or

(f) for any other reasonable cause.

†12. ‡ If a Judge of any Court subordinate to the Chief Court is of opinion that there are grounds for proceeding under the provisions of section 11§ against a Legal Practitioner practising in such Court, such Judge shall cause a formal charge to be drawn up setting forth concisely the said grounds, and shall send a copy of the said charge to him, and also a notice that on a day therein appointed such charge will be taken into consideration. ‡

Inquiry into improper conduct of Legal Practitioners.

Such copy and notice shall be served upon the Legal Practitioner at least ten days before the day so appointed. On such day or on any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the Legal Practitioner, and shall proceed to adjudicate upon the charge.

†13. If the Judge of any Court subordinate to the Chief Court shall find the charge established and consider that the Legal Practitioner should be suspended, or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same together with the proceedings to the Chief Court, and the Chief Court, shall proceed to acquit, suspend or dismiss the Legal Practitioner.

Report to Chief Court.

†14. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the Magistrate of the District, shall be submitted to the Judge of the District Court or to the Magistrate of the District, who shall append to the report any remarks that he may think necessary and an expression of his own opinion of the case, and shall forward the record for the orders of the Chief Court.

Reports of Subordinate Courts to be submitted through District Court and District Magistrate.

†15. The Judge or Magistrate may, pending the investigation and orders of the Chief Court, suspend any Pleader in his own Court and in Courts subordinate thereto.

Immediate suspension.

* "26" substituted for "28" by Regulation X of 1928.

† As re-numbered by Regulation X of 1928.

‡ As amended by Regulation I of 1897, s. 3.

§ "11" substituted for "13 B" by Regulation X of 1928.

Sections 16-22.

Power of
Chief Court
to call for
records.

***16.** The Chief Court, in any case in which an Advocate or Pleader shall have been acquitted otherwise than by an order of the Chief Court, may call for the record and pass such order thereon as it may deem fit.

Power of
Chief Court
to transfer
charge.

***17.** The Chief Court may also direct that any charge preferred against a Legal Practitioner in any Court subordinate to the Chief Court shall be transferred for adjudication to itself or to any other Court of equal or superior grade to that in which the charge is preferred.

Note of sus-
pension.

***18.** A note of the suspension of any Legal Practitioner shall be made in the roll of Legal Practitioners to be kept in the Chief Court, and notice thereof shall be sent to all Courts subordinate thereto.

Removal of
name of dis-
missed Legal
Practitioner.

***19.** The name of any Legal Practitioner dismissed under the foregoing provisions shall be struck off the roll of Legal Practitioners in the Chief Court, and notice thereof shall be sent to all Courts subordinate thereto.

CHAPTER III.

REMUNERATION OF LEGAL PRACTITIONERS, ETC.

Fees.

***20.** The Chief Court shall, from time to time, and with the sanction of the Government, make rules fixing and regulating the fees payable by any party in respect of his adversary's Legal Practitioner upon all proceedings in the Chief Court and in the Courts subordinate thereto:

Provided that the rules now in force in respect of such fees shall be deemed to have been framed under this section.

Remunera-
tion of Legal
Practitioners.

***21.** Legal Practitioners may make their own arrangements with their clients for their remuneration.

Agreement
for remunera-
tion to be filed
in Court.

***22.** No agreement entered into by any Legal Practitioner with any person retaining or employing him, respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done or to be done by such Legal Practitioner, shall be proved in a suit brought to enforce such an agreement, unless the same is made in writing signed by such person, and is, within fifteen days from the day on which it is executed,

Sections 23-26.

filed in the District Court or in some Court in which some portion of the business in respect of which it has been executed has been or is to be done.

***23.** Where a suit is brought to enforce any such agreement, if the agreement is not proved to be fair and reasonable, the Court may reduce the amount payable thereunder, or order it to be cancelled, and the costs, fees, charges and disbursements in respect of the business done to be ascertained in the same manner as if no such agreement had been made. Unfair agreement

***24.** Such an agreement shall exclude any further claim of the Legal Practitioner beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement. Agreement to exclude other claims.

***25.** A provision in any such agreement that the Legal Practitioner shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such Legal Practitioner, shall be wholly void. Void agreement.

***26.** †(1) The Chief Court, the District and Sessions Judge, and the District Magistrate may each as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists. Power to frame and publish lists of touts.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.†

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout for the purpose of section 11‡ clause (e).

* As re-numbered by Regulation X of 1928.

† As amended by Regulation I of 1897, s. 4.

‡ "11" substituted for "13 B" by Regulation X of 1928.

REGULATION No. I of 1885.

(PASSED ON THE 23RD DAY OF MAY 1885.)

The Yelandur Jahgir Regulation.

WHEREAS, by a Sannad granted by His Highness the Maharaja of Mysore under date the 27th December 1807, the Taluk of Yelandur was granted as Jahgir to the late Dewan Purnaiya and his heirs and successors, in perpetuity, as a reward for the meritorious services rendered by the said Dewan Purnaiya, and in order that his descendants may live in perpetual ease and comfort :

And whereas, with the object of carrying out the purposes of such grant, the Government of Mysore did, at various times, pass orders with the view to regulate the succession to, and define the mode of enjoyment of, the said Jahgir of Yelandur :

And whereas doubts have arisen as to the validity of some of the orders of Government in regard to the said Jahgir, and it is deemed expedient to remove such doubts and to make adequate provision for the maintenance of the dignity of the head of the family of the said Dewan Purnaiya and for the support of the subordinate members thereof: His Highness the Maharaja is pleased to enact as follows :—

1. This Regulation may be called “The Yelandur Jahgir Regulation, 1885.”

And it shall come into force upon the passing thereof.

2. (1) The Jahgir of Yelandur, as constituted by the Sannad granted by His Highness Krishnaraja Wodeyar, the Maharaja of Mysore, to the said Dewan Purnaiya, dated the 27th December 1807, and consisting of the villages enumerated in the Schedule A appended to this Regulation, shall be inalienable and impartible; and it shall not be competent for the Jahgirdar of Yelandur for the time being to encumber, charge, or in any manner alienate the said Jahgir or any part thereof by act *inter vivos* or by testamentary disposition.

(2) The family of the said Dewan Purnaiya shall, for the purposes of this Regulation, comprise and include the existing members named and enumerated in the order of

Section 2.

their respective seniority under five branches in Schedule B appended to this Regulation, and their lineal descendants whether by blood or adoption according to the rules and usages of the Hindu Law; also any other legal heirs, male or female, of the said lineal descendants in the ascending, descending or collateral lines.

(3) Subject to the other provisions of this Regulation the said Jahgir of Yelandur and the full proprietary rights therein shall vest in, and be held and enjoyed by, one person only at a time who shall be called "The Jahgirdar of Yelandur" and to whom all other members of the family of the said Dewan Purnaiya shall be subordinate. Purnaiya Narasinga Rao Krishna Murthi being the eldest male person for the time being descended from the said Dewan Purnaiya in the senior male line is hereby declared to be the present Jahgirdar of Yelandur.

(4) The succession to the said Jahgir shall, except in so far as is in this Regulation otherwise provided, be regulated by the rules and usages of the Hindu Law of Inheritance and Adoption.

The succession to the said Jahgir shall devolve upon the lineal descendants and other legal heirs of the family of the said Dewan Purnaiya as above defined:

Provided that the lineal descendants and other legal heirs of the persons named and enumerated in the first branch in the aforesaid Schedule B, shall be preferred to, and shall be entitled to succeed before, the lineal descendants and other legal heirs of the persons named and enumerated in the second and every other branch in the Schedule B aforesaid; and on failure of the lineal descendants and other legal heirs of the persons named and enumerated in the first branch, the lineal descendants and other legal heirs of the persons named and enumerated in the second and every other branch shall be entitled to succeed according to the order of the branches in the Schedule B aforesaid, successively one branch after the other, the lineal descendants and other legal heirs of any one branch to be preferred to, and to be entitled to succeed before, the lineal descendants and other legal heirs of the branch next to it, and so on in the order specified in the aforesaid Schedule B:

Provided further that as between the lineal descendants and other legal heirs in any branch aforesaid, the said

Section 3.

Jahgir and the full proprietary rights therein shall, notwithstanding any rule or custom of Hindu or other law to the contrary, vest in the person who may be:—

Firstly.—So long as there are male descendants in any male line in the aforesaid branch, the eldest male person to any degree of descent of that line which shall be for the time being senior of all the collateral lines.

Secondly.—On the failure of such male descendants in any male line within that branch, the eldest female legal heir for the time being or the eldest surviving female descendant, or her eldest male descendants, as the case may be, entitled to inherit under Hindu Law and usage, of the last male descendant in the male line in whom the said Jahgir shall have been vested:

Provided further that on failure of such male descendants, female legal heirs, and female descendants, and their descendants, of the first and every other branch successively specified in the Schedule B aforesaid, the said Jahgir and the full proprietary rights therein shall vest in and be held and enjoyed by the eldest and the most proximate descendant, or legal heir, of the said Dewan Purnaiya who may be then living, male being preferred to female, and by his or her descendants and other legal heirs.

(5) When there is a natural lineal descendant of the said Dewan Purnaiya eligible and available for adoption in accordance with Hindu Law and usage, the adoption of any other person shall not be valid for the purpose of succession to the Jahgir.

3. (1) Out of the revenues of the Jahgir of Yelandur, the sum of Rs. 23,200 shall be distributed by the Jahgirdar for the time being among himself and the other descendants of the said Dewan Purnaiya in the various branches of descent by way of annuities as specified hereunder:—

1st Branch.

	Rs.
1. P. N. Krishna Murti, eldest son of the late Narasinga Rao 	6,000
2. P. N. Purnaiya, 2nd son of the late Narasinga Rao 	10,000

Total for 1st Branch 16,000

*Section 4.**2nd Branch.*

1. Krishna Murti, son, adopted by Rukmini
Bayi, widow of the late Vithal Murti... 1,200

3rd Branch.

1. Jaya Narasinga Rao, son, adopted by Bhagi-
rati Bayi, widow of the late Anantaram-
appa 1,200

4th Branch.

1. Rama Rao, son, adopted by Venkamma,
widow of the late Subba Rao ... 1,200

5th Branch.

1. Narasamma, daughter of Dattu Rama Rao 3,600

23,200

The remainder of the revenue of the said Jahgir, after payment of annuities above specified, shall be at the absolute disposal of the Jahgirdar of Yelandur for the time being :

Provided that the annuity to Rama Rao, adopted son of Venkamma, shall not become payable till after the death of the said Venkamma, and that the annuity payable to Krishna Murti, adopted son of Rukmini Bayi, shall not become payable till after the death of the said Rukmini Bayi, the said Venkamma and Rukmini Bayi continuing, during their lifetimes, to receive annuities of Rs. 7,000 and Rs. 5,00 respectively.

(2) The annuities payable under the first para of this section shall not be alienable by sale, gift, charge, will or otherwise, but shall be subject to the rules and usages of the Hindu Law of Succession and Partition: Provided that when there is a natural lineal descendant of the said Dewan Purnaiya eligible and available for adoption in accordance with the Hindu Law and usage, the adoption of any other person shall not be valid for the purpose of succession to the whole or part of any annuity referred to in this section.

4. Upon the failure of heirs within any branch of the family specified in Schedule B aforesaid, one-half of the annuity for that branch shall be at the disposal of the

Sections 5-6.

Jahgirdar of Yelandur for the time being, and the other half shall be distributed rateably among the remaining branches in the proportion of the amounts of annuities specified for such branches in Schedule B aforesaid, the amount thus distributable to each branch being further distributed among the members of that branch according to their shares under Hindu Law and usage.

5. (1) No Civil Court shall entertain any suit relating to any interest in the Jahgir of Yelandur, or to the whole or part of any annuity payable under this Regulation.

(2) Any person having a claim to the said Jahgir of Yelandur may prefer such claim to the Government of Mysore, which shall enquire into such claim and pass its decision thereon in accordance with this Regulation.

(3) Any person having a claim to the whole or part of an annuity payable under this Regulation may prefer such claim to the Jahgirdar of Yelandur for the time being, who shall enquire into such claim and pass his decision thereon in accordance with this Regulation. From any such decision passed by the Jahgirdar of Yelandur, an appeal shall lie to the Government of Mysore, whose orders upon such appeal shall be final.

6. (1) If, in the investigation of any claim referred to in the last preceding section, there arises any question on which the Government of Mysore desires to have the opinion of the Chief Court of Mysore, the Government may cause a statement of the question to be prepared and may refer such question for the opinion of the Chief Court.

(2) The Chief Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

(3) The parties to the case may appear and be heard in the Chief Court in person or by their Advocates or Pleaders.

(4) The Chief Court, when it has heard and considered the case, shall send a copy of its opinion with the reasons therefor under the seal of the Court to the Government, and the case shall be disposed of conformably to such opinion.

(5) The Chief Court, if it considers that any such statement is imperfectly framed, may return it for amendment.

Sections 7-8. Schedules A & B.

(6) The costs, if any, consequent on such reference, shall be dealt with as the Chief Court in each case recommends.

7.. The Jahgir of Yelandur and the revenues thereof and the annuities payable under this Regulation shall not be liable to seizure or attachment by process of any Civil Court.

8. The Government of Mysore may, from time to time, frame such rules as may be necessary for the purpose of appointing the time, place and mode of the payment of the annuities referred to in section 3, and for the purpose of enforcing the payment of such annuities and the orders passed under section 5. Such rules shall not be inconsistent with this Regulation, shall be published in the Official Gazette and shall have the force of law. •

SCHEDULE A REFERRED TO IN PARA (2), SECTION 2.

Kasba Yelandur and its Dakhale Villages..	6 Villages.
Ambale	6 Villages.
Yergamballi	9 Villages.
Yoriyur Kestur	5 Villages.
Agara	9 Villages.
Maddur	11 Villages.

SCHEDULE B REFERRED TO IN PARA (2), SECTION 2.

1st Branch.

1. Purnaiya Narasinga Rao Krishna Murti, eldest son of the late Narasinga Rao.
2. Purnaiya Narasinga Rao Purnaiya, 2nd son of the late Narasinga Rao.

2nd Branch.

1. Krishna Murti, son adopted by Rukmini Bayi, widow of the late Vithal Murti.

3rd Branch.

1. Jaya Narasinga Rao, son adopted by Bhagirati Bayi, widow of the late Anantaramappa.

4th Branch.

1. Rama Rao, son adopted by Venkamma, widow of the late Subba Rao.

5th Branch.

1. Narasamma, daughter of Dattu Rama Rao.
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REGULATION No. II OF 1885.

(PASSED ON THE 15TH DAY OF SEPTEMBER 1885.)

A Regulation to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.

Whereas it is expedient to apply to the territories of Mysore Act XVI of 1863 of the Governor-General of India in Council, His Highness the Maharaja is pleased to enact that the aforesaid Act XVI of 1863 shall have the force of law in the territories of Mysore, with the modifications and omissions hereunder mentioned, and with effect from the first day of October 1885.

1. In section 1, for "calculated at ten per cent," substitute "not exceeding five per cent."

2. For "British India" read "the territories of Mysore," and for "Board of Revenue" and "Local Government" read "the Government of His Highness the Maharaja of Mysore."

3. Omit section 8.

ACT No. XVI OF 1863 AS APPLIED TO MYSORE BY
REGULATION II OF 1885.**An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.**

Preamble

Whereas it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; it is enacted as follows :—

Such spirits
may be
removed from
Distillery on
payment of
duty, on
condition.

1. Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of the territories of Mysore on payment of duty not exceeding five per cent on the value of the Spirits: Provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.

Sections 2-6.

2. The Government of His Highness the Maharaja, or other authority specially authorized in that behalf by the Government of His Highness the Maharaja, shall prescribe, from time to time, subject to the approval of the Government of His Highness the Maharaja, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by section 1 of this Act; for causing such Spirits to be so rendered, if necessary, by its own officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* duty shall be levied.

Rules for ascertaining and determining that spirits to be removed have been rendered unfit for human consumption, etc.

3. Every person who shall wilfully contravene any rule prescribed by the Government of His Highness the Maharaja, or other authority as aforesaid, under the last preceding section of this Act, shall be liable on conviction before any officer exercising the powers of a Magistrate to a penalty not exceeding five hundred rupees for every such offence.

Penalty for breach of such rules.

4. Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand rupees; and the possessor of such Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any officer exercising the powers of a Magistrate to a penalty not exceeding five hundred rupees.

Penalty for attempting to render fit for human consumption spirits removed under this Act.

5. Any penalty imposed under either of the last two preceding sections may, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the officer by whom such penalty was imposed.

Such penalty how to be levied.

6. In case any such penalty shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

In case of non-payment of penalty, offender may be detained pending return to distress warrant.

Sections 7-8.

Imprisonment
of offender in
case of failure
to recover
penalty by
distress.

7. If, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Confiscation
in cases of
conviction
under section
3 or 4.

8. In every case of conviction under section 3 or section 4 of this Act the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit shall be liable to confiscation.

REGULATION No. II OF 1888.

(PASSED ON THE 2ND DAY OF AUGUST 1888.)

A Regulation to regulate the manufacture, possession, use, sale, transport and importation of explosives,

Whereas it is expedient to regulate the manufacture, possession, use, sale, transport and importation of explosives; His Highness the Maharaja is pleased to enact as follows:—

1. This Regulation may be called the Mysore Explosives Regulation, 1888. Short title.

2. (1) This Regulation shall come into force on such day* as His Highness the Maharaja's Government by notification in the Official Gazette appoints. Commence-
ment.

(2) Provided that any notification or rule may be made under this Regulation at any time after the passing thereof, but shall not take effect until the Regulation comes into force.

3. In this Regulation, unless there is something repugnant in the subject or context, Definitions.

(1) "explosive" means any substance dangerous to life or property by reason either of its explosive properties or of any process in the manufacture thereof being liable to cause explosion, which the Government of Mysore may, from time to time by notification in the Official Gazette, declare to be an explosive within the meaning of this Regulation:

(2) "manufacture" includes the process of dividing into its component parts or otherwise breaking up or unmaking any explosive or making fit for use any damaged explosive, and the process of re-making, altering or repairing any explosive:

(3) "carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

(4) "import" means to bring into the territories of Mysore by land.

* The 1st July 1898, *vide* Notification No. 234 M., dated 31st March 1898, published in the *Mysore Gazette* of 14th April 1898.

Section 4.

Power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.

4. (1) The Government of Mysore may, for any part of the territories under its administration, make rules consistent with this Regulation to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by these rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

(2) Rules under this section may provide for all or any of the following among other matters, that is to say :—

(a) the authority by which licenses may be granted ;

(b) the fees to be charged for licenses and the other sums (if any) to be paid for expenses by applicants for licenses ;

(c) the manner in which applications for licenses must be made, and the matters to be specified in such applications ;

(d) the form in which and the conditions on and subject to which licenses must be granted ;

(e) the period for which licenses are to remain in force ; and

(f) the exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(3) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, transporting or importing explosives in breach of the rules or otherwise contravening the rules :

Provided that the maximum penalty which may be imposed by any such rules shall not exceed :—

(a) in the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees ;

(b) in the case of a person so possessing, using or transporting an explosive, a fine which may extend to one thousand rupees ;

(c) in the case of a person so selling an explosive, a fine which may extend to five hundred rupees ; and

(d) in any other case, two hundred rupees.

Sections 5-7.

5. (1) Notwithstanding anything in the rules under the last foregoing section, the Government of Mysore may, from time to time, by notification in the Official Gazette—

Power for Government to prohibit the manufacture, possession or importation of specially dangerous explosives.

(a) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the Government of Mysore, it is expedient for public safety to issue the notification; and

(b) cancel any notification under this section.

(2) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees.

6. (1) The Government of Mysore may make rules consistent with this Regulation authorizing any officer, either by name or in virtue of his office—

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

(a) to enter, inspect, and examine any place or carriage in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under this Regulation, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Regulation or of the rules made under this Regulation;

(b) to search for explosives therein;

(c) to take samples of any explosive found therein on payment of the value thereof; and

(d) to seize, detain, remove, and, if necessary, destroy any explosive found therein.

(2) The provisions of the Code of Criminal Procedure as introduced into the territories of Mysore by *Mysore Regulation I of 1886, relating to searches under that Code, shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

7. Whenever there occurs in or about or in connection with any place in which an explosive is manufactured, possessed or used, or any carriage either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with

Notice of accidents.

* Now Regulation II of 1904.

Sections 8-11.

such loss or injury, the occupier of the place or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police station.

Inquiry into accidents.

8. (1) Whenever in the opinion of a District Magistrate, Sub-Divisional Magistrate, or any other Magistrate specially empowered by the Government of Mysore in this behalf, an inquiry is necessary into the cause of any accident of the description mentioned in section 7, he may either himself make the inquiry or direct a Magistrate subordinate to himself to make the inquiry.

(2) Any Magistrate making an inquiry under this section shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an inquiry into an offence under the Code of Criminal Procedure as so introduced as aforesaid.

Forfeiture of explosives.

9. When a person is convicted of an offence punishable under this Regulation or the rules made under this Regulation, the Court before which he is convicted may direct that the explosive or ingredient of the explosive or the substance (if any) in respect of which the offence has been committed or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Abetment and attempt.

10. Whoever abets within the meaning of the Indian Penal Code as in force in the territories of Mysore the commission of an offence punishable under this Regulation, or the rules made under this Regulation or attempts to commit any such offence, and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Power to arrest without warrant persons committing dangerous offences.

11. Whoever is found committing any act for which he is punishable under this Regulation or the rules under this Regulation, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored or any railway or any carriage, may be apprehended without a warrant by a police officer or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place or by any agent, or servant of or other person authorized by the railway administration, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Sections 12-15.

12. Nothing in this Regulation shall apply to the manufacture, possession, use, sale, transport or importation of any explosive—

Saving for manufacture, possession, use, sale, transport or importation by Government.

(a) by order of the Government of Mysore, or,

(b) by any person employed under that Government in the execution of this Regulation, or as a keeper of a magazine, artizan, policeman or otherwise, or enrolled as a volunteer under the Indian Volunteers Act, XX of 1869* in the course of his employment or duty as such.

13. Nothing in this Regulation shall affect the provisions of the Indian Arms Act, 1878, † as in force in the territories of Mysore, or any law for the time being in force relating to the manufacture, conversion, possession, transport and sale of arms, ammunition and military Stores :

Saving of Indian Arms Act, 1878.

Provided that an authority granting a license under this Regulation for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order written on the license that it shall have the effect of a like license granted under the said Indian Arms Act.

14. Nothing in this Regulation or the rules under this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or those rules or from being liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or those rules :

Saving as to liability under other law.

Provided that a person shall not be punished twice for the same offence.

15. (1) Before making any rules under this Regulation the Government of Mysore shall publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making publication and confirmation of rules.

(2) The publication shall be made in such manner as the Government of Mysore, from time to time, may consider adequate.

* Repealed and re-enacted *Vide* Act XLIX of 1920 (the Auxiliary Forces Act),

† The Indian Arms Act, XI of 1878, was repealed in Mysore by regulation VI of 1890, s. 2.

Section 15.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Government of Mysore shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Regulation shall not take effect until it has been published in the Official Gazette.

(6) The publication in the Official Gazette of a rule purporting to be made under this Regulation shall be conclusive evidence that it has been duly made.

(7) All powers to make rules conferred by this Regulation may be exercised from time to time as occasion requires.

REGULATION No. IV OF 1888.

The Mysore Land Revenue Code.

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SCHEDULES.

REGULATION No IV OF 1888.

(PASSED ON THE 22ND DAY OF NOVEMBER 1888.)

A Regulation to consolidate and amend the law relating to Revenue Officers and the Land Revenue in the territories of Mysore.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue Officers and to the assessment and recovery of Land Revenue, and to other matters connected with the Land Revenue administration; His Highness the Maharaja is pleased to enact as follows: —

CHAPTER I.

PRELIMINARY.

Short title.

1. This Regulation may be cited as "The Mysore Land Revenue Code, 1888."

Local extent.

It extends to the whole of the territories of Mysore.

Commence-
ment.

It shall come into force on the first day of April 1889.

Enactments
repealed.

2. The Acts, Rules, Notifications and Orders mentioned in the Schedule A hereto annexed are repealed, but not so as to render invalid anything done in accordance with any of them.

All references made in any Act, Rule, Notification, or Order, to any enactment hereby repealed, shall be read as if made to the corresponding portion of this Regulation.

And all rules prescribed, appointments made, securities furnished, powers conferred, orders issued, and notifications published under any such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Regulation) be deemed to have been respectively prescribed, made, furnished, conferred, issued and published hereunder.

And all proceedings now pending which have been commenced under any enactment hereby repealed shall be deemed to have been commenced under this Regulation, and shall hereafter be conducted in accordance with the provisions of this Regulation.

Section 3.

3. In this Regulation, unless there be something repugnant in the subject or context,—

Interpreta-
tion section

(1) "revenue officer" means every officer of any rank whatsoever employed in or about the business of the land revenue, or of the surveys, assessment, accounts or records connected therewith:

Revenue offi-
cer.

(2) "survey officer" means an officer appointed under, or in the manner provided by, section 17 of this Regulation:

Survey officer

(3) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory:

Land.

(4) "estate" means any interest in land and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same:

Estate.

(5) "survey number" means a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records of the village, town or city in which it is situated, and includes a recognized share of a survey number:

Survey num-
ber.

(6) "recognized share of a survey number" means a sub-division of a survey number separately assessed and registered:

Recognized
share of a sur-
vey number.

(7) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon:

Building site.

(8) "boundary mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground, or other object, whether natural or artificial, set up, employed, or specified by a survey officer or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land:

Boundary
mark.

(9) "to hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land, either immediate or at the termination of tenancies legally subsisting:

To hold land.

(10) "holder" or "landholder" signifies the person in whom a right to hold land is vested, whether solely on

Holder or
Landholder.

Section 3.

his own account or wholly or partly in trust for another person, or for a class of persons or for the public. It includes a mortgagee vested with a right to possession :

- Holding.** (11) "holding" signifies land over which such right extends :
- Tenant, Land lord.** (12) "tenant" signifies a person who holds by a right derived from a superior holder called his "landlord" or from his landlord's predecessor in title, and is, or, but for a special contract, would be liable to pay rent for such land to his landlord :
- Rent.** (13) "rent" signifies whatsoever is paid or delivered in money or kind, or whatever service is rendered, by a tenant on account of the use or occupation of land let to him :
- Superior holder.** (14) "superior holder" signifies a holder entitled to receive from other holders rent or land revenue on account of lands held by them, whether or not such holder pays land revenue to Government on account of such lands :
- Inferior holder.** (15) "inferior holder" signifies a holder liable to pay rent or land revenue to a superior holder :
- Occupant.** (16) "occupant" signifies a holder of unalienated land, or when there are more holders than one, the holder having the highest right in respect of any such land, or where such highest right vests equally in more holders than one, any one of such holders :
- Registered occupant.** (17) "registered occupant" signifies a sole occupant or the eldest or principal of several joint occupants whose name is authorizedly entered in the Government records as holding unalienated land whether in person or by his co-occupant, tenant, agent, servant, or other legal representative :
- Occupancy.** (18) "occupancy" signifies the sum of the rights vested in an occupant as such :
- Alienated.** (19) "alienated" means transferred in so far as rights of Government to payment of the rent or land revenue are concerned, wholly or partially, to the ownership of any person :
- Village, town or city.** (20) the word "village," "town" or "city" includes all lands belonging to such village, town or city :

Sections 4-5.

[*] (21) the words 'revenue year' mean the period Revenue year.
from and exclusive of the 30th June of one calendar year
until and inclusive of the 30th June in the next calendar
year. The revenue year 1891-92 shall consist of fifteen
months running from 1st April 1891 to 30th June 1892,
both days inclusive :

(22) "section" means a section of this Regulation: Section.

(23) the words "this chapter" mean the chapter This chapter.
of this Regulation in which those words occur :

(24) "village accountant" means the officiator Village
shanhog, and includes every person performing any of accountant.
the duties of the shanhog.

(25) "Government" means "the Government of Government.
His Highness the Maharaja of Mysore."

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

† 4 (1) The Chief Controlling authority in all mat- Chief Con-
trolling
authority in
Revenue mat-
ters.
ters connected with the land revenue is vested in the
Revenue Commissioner, subject to Government.

(2) The Revenue Commissioner shall be appoint- Powers and
duties of Rev-
enue Commis-
sioner.
ed by Government, and shall exercise the powers and dis-
charge the duties conferred and imposed on the Revenue
Commissioner under this Regulation, or under any other
law for the time being in force, and so far as is consistent
therewith, all such other powers or duties of appeal,
superintendence and control within the territories of
Mysore, and over the officers subordinate to him, as may,
from time to time, be prescribed by Government.

(3) The Revenue Commissioner shall have such Assistants
to Revenue
Commis-
sioner.
number of Assistants as the Government may, from time
to time, sanction, their appointment being made by Gov-
ernment. Assistants so appointed shall perform such
duties as the Revenue Commissioner may, from time to
time, direct †.

5. The territories of Mysore shall be divided into Mysore to be
divided into
districts.
such number of districts with such limits as may, from

[*] This interpretation clause was substituted by Regulation III
of 1892, s. 1.

[†-†] This Section was substituted by Section 1 of Regulation VI
of 1906.

Sections 6-9.

time to time, be prescribed by a duly published order of the Government.

A district to consist of taluks, and a taluk of villages.

Present districts, taluks, &c.

Deputy Commissioner of district.

And each such district shall consist of such number of taluks, and each taluk shall consist of such number of villages, as may, from time to time, be prescribed in a duly published order of the Government.

The present districts, taluks and villages shall remain as they are for the purposes of this Regulation until altered by the Government.

6. The Government shall appoint in each district an officer who shall be called the Deputy Commissioner of the district,* and shall be subordinate to the Revenue Commissioner* and who may exercise, throughout his district, all the powers and discharge all the duties conferred and imposed on a Deputy or Assistant Commissioner by this Regulation, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government.

Assistant Commissioners.

To be subordinate to Deputy Commissioner.

Assistant Commissioners in charge of taluks.

Their duties and powers.

7. The Government may appoint to each district as many Assistant Commissioners as it may deem expedient.

All such Assistant Commissioners and all other officers employed in the land revenue administration of the district shall be subordinate to the Deputy Commissioner.

8. (1) The Government may place any Assistant Commissioner in charge of the revenue administration of one or more of the taluks in a district.

(2) Any Assistant Commissioner thus placed in charge shall so far as regards the taluk or taluks in his charge, perform such of the duties and exercise such of the powers imposed and conferred upon the Deputy Commissioner by this Regulation, or by any other law at the time being in force, as the Government may, by a general or special order, from time to time direct.†

(3) To such Assistant Commissioner as may not be placed in charge of taluks, the Deputy Commissioner shall, under the general or special orders of the Government, assign such particular duties and powers as he may from time to time see fit.

9. If the Deputy Commissioner is disabled from performing his duties, or for any reason vacates his office,

Deputy Commissioner of district in case of temporary vacancy.

*. * These words were inserted by section 2 of Regulation VI of 1906.

† Certain words here were omitted by section 3 of Regulation VI of 1906.

Sections 10-13.

or leaves his district, or dies, his Assistant of highest rank present in the district shall unless other provision has been made by the Government succeed temporarily to his office, and shall be held to be the Deputy Commissioner of the district under this Regulation, until the Deputy Commissioner resumes charge of his district, or until the Government appoints a successor to the former Deputy Commissioner, and such successor takes charge of his appointment.

10. The chief officer entrusted with the local revenue administration of a taluk shall be called an Amildar. He shall be appointed by the Government.

The Amildar and his appointment.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Regulation, or by any other law for the time being in force, or as may be imposed upon or delegated to him by the Deputy Commissioner under the general or special orders of the Government. He shall, after the passing of this Regulation, continue to perform the duties and exercise the powers at present performed and exercised by him until such time as he is otherwise directed by competent authority.

His duties and powers.

11. Whenever it may appear necessary, the Government may appoint a Deputy Amildar to be in charge of a defined portion of a taluk and may assign to him within his local limits such of the duties and powers of an Amildar as may, from time to time, be considered necessary. The Deputy Amildar's immediate superior authority shall, for the purposes of section 210 of this Regulation, be deemed to be the Assistant Commissioner in charge of the taluk, or, if no Assistant Commissioner is placed in charge of the taluk, the Deputy Commissioner.

The Deputy Amildar, his duties and powers.

12. It shall be competent to an Amildar or Deputy Amildar, subject to such general orders as may from time to time be passed by the * Revenue Commissioner * or by the Deputy Commissioner, to employ any of his subordinates to perform any portion of his ministerial duties: Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Amildar or Deputy Amildar.

Amildar or Deputy Amildar may depute subordinates to perform certain of his duties.

13. If an Amildar is disabled from performing his duties, or for any reason vacates his office or leaves his taluk, or dies, either the Deputy Amildar, or if there is no

Amildar in case of temporary vacancy.

. These words were substituted for the word "Government" by section 4 of Regulation VI of 1906.

Sections 14-16.

Deputy Amildar in the taluk, the Sheristadar of the taluk shall succeed temporarily to the said Amildar's office, and shall be held to be the Amildar under this Regulation until the Amildar resumes charge of his taluk, or until such time as a successor is duly appointed and takes charge of his appointment.

Stipendiary
patel and vil-
lage account-
ant to be ap-
pointed where
no hereditary
patel or vil-
lage account-
ant exists.

14. In villages where no hereditary patel or village accountant exists, it shall be lawful for the Deputy Commissioner, under the general orders of the Government * and of the Revenue Commissioner * to appoint a stipendiary patel or village accountant, who shall perform respectively all the duties of hereditary patels or village accountants as hereinafter prescribed in this Regulation, or in any other law for the time being in force, and shall hold their situations under the rules in force with regard to subordinate revenue officers.

Saving of
rights of hold-
ers of alien-
ated villages.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in such alienated or other villages.

Village ac-
countant to
keep such re-
cords as he
may be requir-
ed to keep by
Government

15. † Subject to the general orders of Government, the Revenue Commissioner † shall prescribe, from time to time, what registers, accounts and other records shall be kept by the village accountant, and pending the first issue of orders under this section, the village accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep.

and to
prepare public
writings.

It shall also be the duty of the village accountant to prepare, whenever called upon by the patel of his village or by any superior revenue or police officer of the taluk or district to do so, all writings connected with the concerns of the village which are required either for the use of the Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

Holder of
alienated vil-
lage to keep
such records
as are pre-
scribed by
Government.

16. (1) Every holder of an alienated village shall be bound to keep such registers, accounts, and other records as may, from time to time, be prescribed by Government to

- These words were inserted by section 5 of Regulation VI of 1906.

†-† These words were substituted for the word "Government" by Section 6 of Regulation VI of 1906.

Sections 17-19.

be kept for alienated villages. He shall be responsible for the punctual and correct preparation of such registers, accounts and other records, and shall deposit with the Deputy Commissioner true copies of such of them as the Government may, either by a general or special order, from time to time direct.

(2) Where there is a village accountant, it shall be his duty to prepare and keep the registers, accounts and other records referred to in this section, under the control of the holder of the alienated village or his agent.

Village accountant in alienated village to keep such records.

(3) When the holder of the alienated village fails to keep any registers, accounts or other records or to deposit copies of them with the Deputy Commissioner, in accordance with the provisions of this section, it shall be lawful for the Deputy Commissioner to cause such registers, accounts or other records or copies of them to be prepared by any other person and to levy the cost of such preparation from the holder of the alienated village, as if it were a revenue demand.

Procedure on failure of holder of alienated village to keep registers, &c.

17. For the purposes of Chapters VIII, IX and X of this Regulation, the Government may appoint such officers as it may, from time to time, consider necessary. Such officers shall be designated "Superintendent and Deputy Superintendent of Survey and Settlement," "Survey Settlement Officer," and "Assistant Superintendent," or otherwise as may seem requisite, and shall be subordinated one to the other, in such order as the Government may direct.

Survey officers.

Subject to the orders of the Government, the officers so appointed are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force.

Their duties and powers.

18. It shall be lawful for the Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter, or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

Combination of offices.

19. The appointment of all officers mentioned in sections 6, 7, 8, 10, 11, 17 and 18 shall be duly notified in the Official Gazette.

Certain appointments to be notified.

Sections 20-22.

Acting
appointments.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act.

Establish-
ments.

20. Subject to the rules or orders made under section 233, the appointment of all members of the establishments of the undermentioned officers shall, unless otherwise directed by Government, be made by those officers respectively, namely.—

*the Revenue Commissioner;
the Deputy Commissioner;
the Superintendent of Survey;
any other officers whom the Government may hereafter direct.

The appointment of all members of the establishments of all other officers mentioned in the foregoing sections of this chapter and the appointment of all other subordinate revenue officers not hereinbefore provided for, shall be made in their respective departments by the Deputy Commissioner and the Superintendent of Survey: Provided that it shall be lawful for them to delegate such portion of this power as they may deem fit to any subordinate officer, but subject to the retention of a right of revision at any time of the appointments which may be made by such subordinate officers.†

21. The Government shall from time to time by notification prescribe what revenue officers shall use a seal, and what size and description of seal shall be used by each of such officers. Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them.

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

Government
to direct what
officers shall

22. It shall be lawful for the Government to direct that such revenue officers as it deems fit shall, previously

*Inserted by Section 7 of Regulation VI of 1906.

(†) The second proviso here was omitted by Section 1 of Regulation VII of 1919.

Sections 23-24.

to entering upon their office, furnish security to such amount as Government may in each case deem expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell, or by deposit of cash in a Government Treasury or Government Savings Bank to the credit of the Government, or by the conveyance to the Government of approved immovable property, whose estimated value may bear to the amount of security required any proportion prescribed by the Government, or by a bond in the form contained in Schedule B to this Regulation.

furnish security and for what amount.

The amount for which such security shall be furnished may be varied from time to time by order of the Government, which shall also determine the number of sureties to be required when security is taken in the form of Schedule B.

23. The Deputy Commissioner or the Superintendent of Survey may, at any time after security has been given by a revenue officer subordinate to him, if it appear to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and, in case of the officer failing to give such security within such time not less than one month as the Deputy Commissioner or Superintendent of Survey may fix after its being required of him, may suspend or dismiss him :

Fresh or additional security.

Provided always that no greater security shall be demanded than is required by the orders of the Government under the last preceding section.

Provido.

24. The Deputy Commissioner or the Superintendent of Survey, or any officer deputed by the Deputy Commissioner or Superintendent of Survey for this purpose, shall, in all cases in which he may have a claim on any revenue officer or any person formerly employed as such in his district or department for public money or papers or other Government property, by writing under his official seal, if he use one, and signature, require the money or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

Demands for money, papers, &c., to be made known in writing to person concerned.

If the officer or other person as aforesaid shall not discharge the money, or deliver up the papers or property as directed, or fail to assign sufficient cause for non-compliance with the requisition made as aforesaid, the Deputy

Who may be arrested and confined in jail if he fail to produce them.

Sections 25-26.

Commissioner or the Superintendent of Survey may cause him to be apprehended, and may send him with a warrant, in the form of Schedule C, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him :

Confinement
not to exceed
one month.

Provided that no person shall be detained in confinement by virtue of such warrant for a longer period than one calendar month.

Public moneys
may also be
recovered as
arrears of
revenue.

25. The Deputy Commissioner, of his own motion, if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Survey if such officer or person is or was serving in the Survey Department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Regulation for the recovery of the arrears of land revenue from defaulters ; and for the purpose of recovering public papers or other property appertaining to Government, may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Criminal Procedure Code, 1882.*

Search war-
rants may be
issued for re-
covery of pa-
pers or prop-
erty.

Persons in
possession of
public moneys
&c., bound to
give them up.

It shall be the duty of all persons in possession of such public moneys, papers or other property appertaining to Government to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

Surety liable
in the same
manner as
principal.

26. The surety or sureties of such officer or other person as aforesaid, who may enter into a bond in the form of Schedule B, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default, and notwithstanding such principal may be so proceeded against :

Extent of lia-
bility.

Provided always that in any case of failure to discharge or make good any sum of money due to Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties, as the amount which may

*See now Chapter VI of Regulation II of 1904.

Sections 27-29.

be due from such surety or sureties under the terms of the security bond executed by him or them,

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government Treasury the whole or such part of the penalty named in the bond as may be demanded.

Surety or sureties not liable to imprisonment if penalty be paid.

27. If an officer or other person as aforesaid, or his surety or sureties, against whom a demand is made, shall give sufficient security in the form of Schedule D, the Deputy Commissioner or Superintendent of Survey, as the case may be, shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner or other person from whose possession such property may have been seized.

An officer or surety in jail may, by furnishing certain security, obtain his release.

28. The liability of the surety or the sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 22 and until his bond is cancelled.

Liability of surety not affected by death of principal or by his taking a different appointment.

The heirs of a deceased officer shall be bound to deliver to Government all public money or papers or other Government property which may have come into their possession or control, and they may be proceeded against in the same manner as the deceased officer, if alive, could have been proceeded against: Provided that when money is claimed, the heirs shall be liable only to the extent of assets inherited by them from the deceased.

Liability of heirs of deceased officer.

29. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time, on his stating in writing to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing, as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

How surety may withdraw from further liability.

Sections 30-31.

CHAPTER IV.

OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS AND
OF THEIR PUNISHMENT FOR MISCONDUCT.Prohibited
acts.

Not to trade.

Not to pur-
chase at pub-
lic sale.Not to make
private use of
public money
or property.Not to make
or receive un-
due exactions
or presents.

Proviso.

Power of fin-
ing, reducing,
suspending
and dismiss-
ing in whom
to vest.

30. (1) No revenue officer shall, except with the express permission of the Government,

(a) engage in trade, or be in any way concerned, directly or indirectly, either as principal or agent, in any commercial transaction whatever; or

(b) purchase, or bid for, either in person or by agent or in his own name, or in the name of another, or jointly, or in shares with others, any property which may, under the provisions of this Regulation or of any other law for the time being in force, be sold by order of any revenue or judicial authority in the district in which such officer is at the time employed :

(2) And no revenue officer shall

(a) derive either for himself or for any other individual any profit or advantage beyond his lawful salary or emolument from any public money or property with the collection or charge of which he is entrusted or connected; or

(b) demand or receive under the colour or by the exercise of his authority as such revenue officer or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf, any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Regulation or of any other law for the time being in force.

Provided that the restriction mentioned in paragraph (1) of this section shall not apply —

(a) to a village officer, or

(b) to a revenue officer under the grade of a Taluk Sheristadar who may have obtained the permission of the Deputy Commissioner or Superintendent of Survey to whom he may be subordinate, as the case may be, unless such officer is himself appointed to conduct the sale under paragraph (1) (b).

31. Subject to rules or orders made under section 233, all revenue officers may be fined, reduced, suspended or dismissed for any such offence as is described in the last preceding section, or for any breach of departmental

Sections 32-35.

rules or discipline, or for carelessness, unfitness, neglect of duty, or other misconduct, by the authority by whom such officer is appointed, or by any authority superior to such authority; and this power may be delegated by such first named authority in whole or in part to any subordinate officer on the same condition that the power of appointment may be delegated under section 20.

32. When any revenue officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record such order or cause the same to be recorded, together with the reasons therefor, in writing under his signature in the Kanarese language or in English.

All such orders to be made in writing.

An appeal against an order under this section shall lie to the authority immediately superior to the officer passing the order, and the decision of such authority shall be final, except in cases in which the subordinate fined, reduced, suspended or dismissed is a Taluk Sheristadar or has been drawing a monthly salary exceeding Rs. 40, in which case there shall be an appeal to * the Revenue Commissioner.*

Appeals against such orders.

33. No fine inflicted under the foregoing provisions shall in any case exceed the amount of two months' pay of the office held by the offender at the time of the commission of the offence.

Fine not to exceed two month's pay.

34. All fines inflicted under this chapter may be recovered from the officer's pay, or, if necessary, may be realized in the same way as arrears of land revenue are recoverable under this Regulation.

And how recovered.

35. Nothing in this chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Liability to criminal prosecution not affected.

Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority, whether he had been found guilty or not.

Officer may be suspended during trial and subsequently suspended, reduced, or dismissed.

. These words were substituted for the word 'Government' by section 4 of Regulation VI of 1906.

Sections 36-38.

CHAPTER V.

OF LAND AND LAND REVENUE.

Land.

Public roads
etc. and lands
which are not
the property of
others, belong
to Govern-
ment.

36. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of rivers, streams, *nalas*, lakes and tanks, and all canals, and water courses and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of individuals legally capable of holding property, and except in so far as any rights of such individuals may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of Government; and it shall be lawful for the Deputy Commissioner * subject to the orders of the Revenue Commissioner * to dispose of them in such manner as may be authorized * by general rules sanctioned by Government, * subject always to the rights of way, and all other rights of the public or individuals legally subsisting.

Encroach-
ments upon
public roads,
streets, &c.

37. When it is proved on a formal enquiry before the Deputy Commissioner that any public road, street or thoroughfare, or any place of public resort or use, or the bed of any river, stream, *nala*, tank or canal, the property of Government, has been encroached upon by any person, the Deputy Commissioner may take possession of the part encroached upon, unless such part is shown to have been held for a period of not less than twelve years. It shall be lawful for the Deputy Commissioner to clear such land by the removal of any buildings or other obstruction, in the event of the person in occupation thereof, or other person interested, after written notice of not less than one month shall have been served upon him, failing to do so himself.

Right to
metals and
minerals to
vest in Gov-
ernment.

38. Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed by the Government for the time being, the right to all precious metals, precious stones, coal and other minerals to be extracted by any process of mining

. Inserted by section 8 of Regulation VI of 1906.

Section 38.

from any lands whatsoever, shall vest absolutely in the Government, and the Government shall have all the powers necessary for the proper enjoyment or disposal of such rights.

Provided that —

Provisos.

(1) Nothing in this section shall be deemed to apply to lime-stone, granite and such other ordinary minerals as the Government, by notification in the Official Gazette, may from time to time exempt from the scope of this section ;

(2) If, for the purpose of exercising any of the rights referred to in this section either by the Government or by any person acquiring such rights from the Government, any land in the holding or enjoyment of others is required, such land may be acquired in accordance with* the Land Acquisition Regulation, VII of 1894* and whenever, in the exercise of the rights aforesaid, any damage be caused to any holder of land by the disturbance of the surface of such land, and such holder and the Government be unable to agree as to the amount of compensation to be paid to such holder for such damage, the same shall be determined in accordance with the procedure prescribed by* the Land Acquisition Regulation, VII of 1894.*

(3) Any person claiming a right to minerals by the terms of any grant or other instrument now in existence shall, within five years after the passing of this Regulation, prefer his claim in writing to the Deputy Commissioner of the district in which the land in respect of which the right is claimed is situate, who shall hold a formal inquiry into the claim, record his opinion thereupon, and submit the proceedings to the Superintendent of Inam Settlement or such other officer as the Government may specially appoint in this behalf. The Superintendent of Inam Settlement, or such other officer as aforesaid, shall thereupon fix a day for the hearing of the claim and give notice thereof to all parties interested therein, and, after hearing such of them as may appear, shall pass his decision thereon.

(4) Subject to the provisions contained in sections 5 to 25 inclusive of the Limitation Act, the claim shall

- Substituted for " the Land Acquisition Act X of 1870," *vide* Regulation VII of 1894, s. 2 (3).

Sections 39-40.

be held to be barred by limitation if not made within five years after the passing of this Regulation.

(5) An appeal shall lie to the Chief Court from any decision passed under this section by the Superintendent of Inam Settlement or such other officer as aforesaid, provided that the appeal be presented within ninety days of the date of such decision. But the Chief Court shall not set aside or modify any such decision otherwise than upon the merits, for any want of form or irregularity in procedure, or without notice to the Government of the hearing of the appeal.

(6) The decision passed under this section by the Superintendent of Inam Settlement or such other officer as aforesaid, or if an appeal be preferred therefrom to the Chief Court, then the decision of the Chief Court on such appeal, shall be a final adjudication of the claim.

(7) Claim to rights to minerals shall not be cognizable by any tribunals except as above provided.

Lands may be assigned for special purposes and where so assigned shall not be otherwise appropriated without the sanction of Government.

***39.** Subject to the general orders of the Government, † it shall be lawful for † Survey Officers whilst survey operations are proceeding under Chapter VIII of this Regulation † and at any other time for the † Deputy Commissioner † to † set apart lands, the property of Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for other public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the § Revenue Commissioner, § and in the disposal of land under section 36 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

40. The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, either by custom or by an express order of the Survey Officer or the Deputy

* As amended by section 9 of Regulation VI of 1906.

†-† Inserted by section 9 of Regulation VI of 1906.

‡-‡ Substituted for the words 'Revenue Commissioner' by section 2 of Regulation VII of 1919.

§-§ Substituted for the word 'Government' by section 9 (2) of Regulation VI of 1906

Section 41.

Commissioner, and shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner, subject to such general rules, if any, as may be prescribed by the *Revenue Commissioner.* The Deputy Commissioner's decision as to the said right of grazing shall be final.

41. (1) In villages or portions of villages to which a survey settlement has not been introduced under Bombay Act I of 1865 or under Chapter VIII of this Regulation, the right to all trees, except such as are reserved by Government under any law relating to forests for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing, except when such trees are the property of the Government or of individuals, in which case it shall be competent for Government to transfer the right in question to the occupant under such rules as the Government may, from time to time, frame in that behalf.

Right to trees in villages to which a survey settlement has not been introduced.

(2) In villages or portions of villages of which the original survey settlement has been completed before the passing of this Regulation, the right of Government to all trees in unalienated land, except trees reserved by Government, or by any Survey Officer, whether by express order made at or about the time of such settlement, or under any rule or general order in force at the time of such settlement, or by notification made and published at or any time after such settlement, shall be deemed to have been conceded to the occupant.

Right to trees in unalienated land.

(3) In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Regulation, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land, except in so far as any such rights may be reserved by Government, or by any Survey Officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village.

(4) When permission to occupy land has been, or shall hereafter be, granted after the completion of the

- Substituted for the word 'Government' by section 4 of Regulation VI of 1906.

Sections 42-44.

survey settlement of the village, or portion of a village, in which such land is situate, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Government
trees and
forests.

42. The right to all trees specially reserved under the provisions of the last preceding section, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may, from time to time, direct.

Road-side
trees.

43. All road-side trees which have been planted and reared by or under the orders of, or at the expense of, Government, or at the expense of local funds, vest in Government. But in the event of such trees dying, being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land in which they were growing: and the usufruct, including the loppings of such trees, shall also vest in the said holder, provided that the trees shall not be lopped except under the orders of the Deputy Commissioner.

If the holder of any land in which such trees are growing shall so desire, and shall make an application to the Deputy Commissioner for the purpose at any time within two years from the date on which this Regulation shall come into operation, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted. Any strip of land so deducted shall with the trees upon it, vest thereafter in Government.

Recovery of
value of trees,
&c., unauthor-
izedly appro-
priated.

44. Any person who shall unauthorizedly fell and appropriate any trees or any portion thereof, or remove any other natural product which is the property of

Sections 45-48.

Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, and shall also be liable to a fine not exceeding one hundred rupees, provided that the Deputy Commissioner may, instead of imposing a fine as aforesaid, institute criminal proceedings against him in respect of his said appropriation of Government property.

The decision of the Deputy Commissioner as to the value of such tree or portion thereof or other natural product shall be final.

Land Revenue.

45. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to Government according to the rules hereinafter enacted, except such as may be wholly exempted under the provisions of any special contract with the Government or any law for the time being in force.

All land liable to pay revenue unless specially exempted.

46. All alluvial lands, newly formed islands or abandoned river-beds, which vest under any law for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land revenue, to the same privileges, conditions or restrictions as are applicable to the original holding, in virtue of which such lands, islands, or river-beds so vest in the said holder; but no revenue shall be leviable in respect of any such lands, islands or river-beds, until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Liability of alluvial lands to land revenue.

47. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be from time to time made in this behalf by the Government, to a decrease of assessment if any portion thereof, not being less than half an acre in extent, nor less than one-tenth of the holding, is lost by diluvian.

Remission of assessment in cases of diluvian.

48. The land revenue leviable under the provisions of this Regulation shall be chargeable—

Land revenue upon what descriptions of land chargeable.

(a) upon land appropriated for purposes of agriculture;

(b) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;

(c) upon land appropriated for building sites.

Section 49.

Assessment subject to variation if purpose for which land is held is changed.

Land held rent-free for one purpose liable to assessment if used for another purpose.

Appropriation of land to certain purposes may be prohibited.

Commuted assessment of land indirectly taxed to the State.

And of land liable to occasional assessment.

And the assessment fixed under the provisions of this Regulation upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed may not have expired.

When any land which is situated in an unalienated village, or which, being situated in an alienated village, is excluded from the assets thereof, has been allowed by Government to be held free of assessment or on a reduced assessment on condition of its being appropriated to one purpose, it shall become liable to be charged with full assessment, if at any time it ceases to be appropriated for such purpose.

It shall also be lawful for the Deputy Commissioner or for a survey officer, subject to rules or orders made in this behalf under section 233, to prohibit the appropriation of any unalienated land liable to the payment of land revenue for certain purposes, and to summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

49. (1) When it has been customary to levy any special or extra cess, fine or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine or tax, been indirectly taxed to the State ;

or, when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess, or tax, however designated ;

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances ; but such commuted assessment shall not exceed such amount as the [a] Revenue Commissioner [a] shall deem to be a fair equivalent of the assessment, cess, fine or tax for which it is substituted, and shall not be in excess of the assessment to which the land would be ordinarily subject if no right to exemption existed in respect thereof.

[a—a] These words were substituted for the original word 'Government' by section 4 of Regulation VI of 1906.

Sections 50-51.

(2) Whenever any such cess, fine or tax hitherto payable by an inferior holder shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

Superior holder may recover commuted assessment from inferior holder.

(3) When it has been customary to levy a larger revenue upon any portion of land than such portion would ordinarily be liable to, in consideration of other land being held with it which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt.

Excess of assessment may be levied on land inadequately assessed held with it.

50. On all lands not wholly exempt from payment of land revenue, and not within the local operation of an order made under section 106, the assessment of the amount to be paid as land revenue shall be fixed at the discretion of the Deputy Commissioner, subject to rules or orders made in this behalf under section 233, and the amounts due according to such assessment shall be levied on all such lands.

Assessment by whom to be fixed.

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had, in the fixing of the assessment and the levy of the revenue, to all rights legally subsisting, according to the nature of the said rights.

Proviso.

51. A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognised under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the Government under section 232, grant to any person whom he may deem entitled to the same a certified extract from the said register, which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

Register of alienated lands.

Sections 52-54.

Settlement of assessment to be made with the holder directly from Government.

Or, if he be absent and; have left no agent, with the next holder.

Rates for the use of water.

Land revenue a paramount charge on the land.

52. The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 142, is primarily responsible to Government for the same.

If the said person be absent and have left no known authorized agent in the District, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him, or in occupation of the land.

53. The Government may authorize the Deputy Commissioner or the officer in charge of a survey, or such other officer as it appoints to fix such rates as it may from time to time deem fit to sanction for the use, by land-holders and other persons, of water the right to which vests in Government, or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by Government [a] or by a private person acting under the written authority of Government [a]. Such rates shall be liable to revision at such periods as Government shall from time to time determine, and shall be recoverable as land revenue.

[b] **54.** Arrears of land revenue due on account of land by any land-holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding; together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created by the occupant or holder or any of his predecessors in title or in anywise subsisting as against such occupant or holder, [b] * but so as not to

[a—a] These words were inserted by Regulation I of 1891, s. 1.

[b—b] This new section was substituted for the original by Regulation VIII of 1916.

[*—*] These words were added by section 2 of Regulation XVII of 1928.

Sections 55-59.

affect the rights of kadim tenants or permanent tenants in alienated holdings.*

55. It shall be lawful for the Deputy Commissioner, in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last preceding section or any law for the time being in force, to take immediate possession of the land embraced within such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Regulation or any other law for the time being in force.

Forfeited holding may be taken possession of and otherwise disposed of.

56. Every revenue officer receiving payment of land revenue shall give a written receipt for the same.

Receipts to be granted by revenue officers for payments of land revenue.

And every superior holder of an alienated village or of an alienated share of a village, or a duly authorized agent of such superior holder, shall give a written receipt for every payment of rent or land revenue made to him by an inferior holder.

And by superior holders for payments of rent or revenue.

57. Any person convicted of a breach of the provisions of the last preceding section, after summary enquiry before the Deputy Commissioner, shall be liable to a fine not exceeding three times the amount received for which receipt was not duly granted.

Penalty for failure to grant receipts.

CHAPTER VI.

OF THE OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS.

Occupation.

58. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Amildar or Deputy Amildar, or as may be provided under rules made in this behalf under section 233.

Written permission of Amildar required previous to taking up unoccupied land.

59. Any person who shall unauthorizedly occupy any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall,

Penalties for unauthorized occupation of land.

Section 60.

if the land which he unauthorizedly occupies forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his occupation; and

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose;

and shall also be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limits as may be fixed in rules or orders made in this behalf under section 233 if he have appropriated it to any non-agricultural purpose.

The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be final, and in determining the amount of assessment payable for the land unauthorizedly occupied, occupation for an incomplete portion of a year shall be counted as for a whole year.

The person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crops he may have raised on the land shall be liable to forfeiture, and any building or other construction he may have erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

Forfeitures under this section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

[a.] On the application of the holder of an alienated village or on complaint by any aggrieved person the Deputy Commissioner may exercise in respect of any lands situated in the alienated village the powers vested in him under this section[a].

Occupancy
right to be
paid for and
to be liable to
certain condi-
tions.

60. It shall be competent to the Deputy Commissioner, subject to such orders as may from time to time be made by the Government, to require the payment of a certain price for the occupancy, or to sell that right by

Sections 61-63.

auction, and to annex such conditions to the occupancy as may seem fit, before permission to occupy is granted under section 58.

The price of an occupancy shall, unless otherwise directed by the terms of the sale, include the price of the Government right to all trees not reserved under the provisions of section 41, and shall be recoverable as an arrear of land revenue.

Price to include price of trees.

61. When it appears to the Deputy Commissioner that the occupancy of any alluvial land which vests, under any law for the time being in force, in Government, may, with due regard to the interests of the public revenue, be disposed of in perpetuity, or otherwise as the Government may direct by rules or orders made in this behalf under section 233, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

Occupancy of alluvial land which vests in Government.

The price of an occupancy so offered shall not exceed three times the annual assessment of the land of which the occupancy is offered.

If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last preceding section without any restrictions as to the price thereof.

62. When alluvial land forms on any bank or shore the occupant if any of such bank or shore shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre, and also exceeds one-tenth of the area of his holding. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last preceding section.

Temporary right to alluvial land of small extent.

The word "holding," in this section and in section 47 shall be deemed to mean a survey number, or any division of land on which a distinct or aggregate assessment has been fixed.

Occupants' Rights.

63. (1) An occupant of land appropriated for purposes of agriculture is entitled, by himself, his servants, tenants, agents, or other legal representatives, to erect farm-buildings and dwelling houses for agriculturists and their labourers, construct wells or tanks, or make any other

Uses to which occupant of land for purposes of agriculture may put his land.

Section 64.

improvements thereon for the better cultivation of the land, or its more convenient occupation for the purposes aforesaid.

Procedure, if the occupant wishes to apply his land to any other purpose.

(2) But if any occupant wishes to appropriate his holding or any part thereof to any other purpose, the Deputy Commissioner's permission shall, in the first place, be applied for by the registered occupant. The Deputy Commissioner, on receipt of such application, shall at once furnish the applicant with a written acknowledgment of its receipt, and, after inquiry, either grant or refuse the same; but if the applicant receive no answer within three months from the date of the said acknowledgment, the Deputy Commissioner's permission may be deemed to have been granted. Unless the Deputy Commissioner shall, in particular instances, otherwise direct, no such application shall be recognized except it be made by the registered occupant.

Fine to be levied for such appropriation in addition to special assessment.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture, it shall be lawful for the Deputy Commissioner, subject to general orders of Government, to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 48.

Penalty for so appropriating land without permission.

64. If any such land be so appropriated without the permission of the Deputy Commissioner being first obtained or before the expiry of three months from the date of the said acknowledgment, the occupant and any tenant or other person holding under or through him shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated, or from the entire field or survey number of which it may form a part, and the registered occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 48, for the period during which the said land has been so appropriated, such fine as the Deputy Commissioner may, subject to the general orders of the Government, direct.

Co-occupant or tenant responsible to registered occupant in damages.

Any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who shall, without any registered occupant's consent, appropriate any such land to any such purpose and thereby render the said registered occupant liable to the penalties aforesaid, shall be responsible to the said registered occupant in damages.

Sections 65-66B.

Provided that the Deputy Commissioner may, instead of fining the registered occupant as aforesaid, fine any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who may have, without the registered occupant's consent, appropriated any such land to any such purpose as aforesaid. Proviso.

[a] 64A. The Deputy Commissioner may also exercise the powers under section 63 and section 64 in respect of land in an alienated village on the application of the holder thereof and in the case of villages to which section 99(d) of the said Code does not apply, also on the application of the tenant of the land. [a]

65. Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between Government and the registered occupant. Permission may be granted on terms.

66. An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or, if the period is unlimited, in perpetuity, conditionally on the payment of the amounts due on account of the land revenue for the same according to the provisions of this Regulation, or of any rules made under this Regulation, or of any other law for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy. Occupant's rights are conditional.

[b] 66A. It shall be lawful for the Deputy Commissioner at any time to grant permission to any person to occupy unalienated unoccupied land for such purposes, for such period and on such conditions as he may, subject to rules made by Government in this behalf, prescribe, and in any such case the occupancy shall, whether a Survey Settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.

(2) Whenever any person occupying or in possession of any land granted under this section fails to comply with any of the conditions so prescribed such person may be evicted by the Deputy Commissioner, after a summary inquiry.

"66B. In any case where an occupancy is not transferable without the previous sanction of the Deputy

[a-a] Added by section 4 of Regulation XVII of 1928.

[b-b] Do 5 do do

Sections 67-69.

Commissioner, and such sanction has not been granted to a transfer which has been made or which is ordered by a Civil Court or on which the Court's decree or order is founded,

(a) such occupancy shall not be liable to the process of any Court, and such transfer shall be null and void, and

(b) the Court, on receipt of a certificate under the hand and seal of the Deputy Commissioner to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy. [b]

Decree or order of competent Court to be given effect to.

67. If, by a decree or order of a competent court, it shall be adjudged that the occupant of any land is an inferior holder under another person, or that the occupancy is vested in another person, or if in the execution of such a decree or order the interest of the occupant in the land have been transferred by sale or otherwise to another person, such other person shall, on producing a certified copy of the decree or order, or the court's certificate of the sale, or other transfer, be deemed to be the occupant and be dealt with accordingly, and on written application being made to the Deputy Commissioner for the purpose, such change shall be made in the entry of the registered occupant's name as the circumstances require.

Name of heir to be registered when registered occupant dies.

68. On the death of a registered occupant, the Deputy Commissioner shall cause the name of his eldest son, or other person appearing to be his heir or the principal of his heirs, to be registered in his stead, and the said heir shall thereafter be deemed the registered occupant, and, subject to the provisions of the last preceding section, shall be dealt with accordingly.

When entry to be amended.

69. If at any time any person shall, by production of a certificate of heirship or of a decree or order of a competent Court, satisfy the Deputy Commissioner that he is entitled to be the registered occupant in preference to the person whose name the Deputy Commissioner has ordered to be registered under section 68, the Deputy Commissioner shall cause the entry in the Government records to be amended accordingly.

Sections 70-72.

70. The right of occupancy shall be deemed an heritable and transferable property subject to the provisions contained in section 54, or otherwise prescribed by law, and shall immediately pass to the person whose agreement to become an occupant shall have been accepted by the Deputy Commissioner.

Right of occupancy to be transferable and heritable.

Relinquishment of occupancy.

71. An occupant may, by giving written notice to the Amildar or Deputy Amildar, relinquish his occupancy, either absolutely or in favor of a specified person: provided that such relinquishment apply to the entire occupancy or to whole survey numbers, or recognized shares of survey numbers.

Occupant may relinquish his occupancy.

An occupancy absolutely relinquished shall be at the disposal of Government, and shall be disposed of by the Deputy Commissioner in accordance with such rules as may, from time to time, be framed by Government in that behalf.

An absolute relinquishment shall, unless otherwise directed by any special or general rules framed by Government, be deemed to have effect from the close of the current revenue year, and notice thereof must be given before the 31st March in such year, or before such other date as may be, from time to time, prescribed in this behalf for each district by the Government. A relinquishment in favor of a specified person may be made at any time.

When there are more occupants than one, the notice of relinquishment must be given by the registered occupant; and the person, if any, in whose favour an occupancy is relinquished, or, if such occupancy is relinquished in favour of more persons than one, the principal of such persons, must enter into a written agreement to become the registered occupant, and his name shall thereupon be substituted in the records for that of the previous registered occupant.

72. When a lump assessment is fixed upon several fields or survey numbers in the aggregate, it shall not be lawful for the occupant to relinquish as aforesaid any one or more of such fields or survey numbers except with the previous consent of the Deputy Commissioner. It shall be competent to the Deputy Commissioner to grant or refuse his consent; if he grants it, the occupancy shall be

Relinquishment of lands paying a lump assessment.

Sections 73-76.

divided, and the Deputy Commissioner shall determine the proportional amount of land revenue to be paid by each portion of it, and the original occupant and the person, if any, in whose favor he relinquishes a portion of his occupancy, shall be held liable for the revenue severally assessed on their portions.

Relinquish-
ment of
alienated
land.

Proviso :

73. The provisions of the last two sections shall apply as far as may be, to the holders of alienated land :

Provided—

Relinquish-
ment of land
described in
section 49.

(a) that it shall not be lawful to relinquish as aforesaid any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 49 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section ; and

(b) that if any person relinquish land on which, under the circumstances described in section 49, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempt from payment of revenue.

Right of way
to relin-
quished land.

74. If any person relinquishes land the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Sections 72
and 73 not to
operate in
certain cases.

75. Nothing in sections 72 and 73 shall affect—

(a) the responsibility of any share in a village for the land revenue of which the sharers are all, according to law or the custom of the village, jointly responsible, or

(b) the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from Government.

Occupant or
holder to
continue
liable for all
demands
until the
occupancy
or holding is
duly relin-
quished or
transferred.

76. The registered occupant or the holder of alienated land shall continue liable for the land revenue due on the occupancy or alienated holding and for all other lawful demands of Government in respect of the same, until such time as the occupancy or alienated holding is relinquished or transferred, under any of the provisions of this Regulation, to the name of any other person ; and the Deputy Commissioner shall not be bound in any case to recognize any person to whom any interest in any portion of an occupancy or alienated holding has been assigned, unless

Sections 77-78.

the transfer has been recorded in the revenue records in accordance with the foregoing provisions.

Remedies against Forfeiture of Occupancies and Alienated Holdings.

77. In order to prevent the forfeiture of an occupancy or alienated holding under the provisions of section 54 or of any other law for the time being in force, through non-payment, by the registered occupant or by the holder of the alienated holding, of the land revenue due on account of the occupancy or alienated holding, it shall be lawful for any co-occupant, co-holder, co-sharer, tenant, mortgagee or other person interested in the continuance of the occupancy or alienated holding, to pay, on behalf of such registered occupant or holder, all sums due on account of land revenue, and for the Deputy Commissioner to receive the same.

To prevent forfeiture of occupancy certain persons other than the registered occupant may pay the land revenue.

And in any such case, the Deputy Commissioner may give to the person who has paid the land revenue as aforesaid such aid for the recovery of the proportional amounts which he may consider to be properly payable by other persons in occupation or enjoyment of parts of a field or survey number or alienated holding as he might legally have given had the persons so paying been the registered occupants or holders of alienated holdings :

Provided that nothing authorized or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jurisdiction.

Proviso.

78. If it shall appear to the Deputy Commissioner that a registered occupant or holder of an alienated holding has failed to pay land revenue, and has thus incurred forfeiture with a view to injure or defraud his co-occupants, co-holders, co-sharers or other persons interested in the continuance of the occupancy or alienated holding, or that a sale of the occupancy or alienated holding will operate unfairly to the prejudice of such co-occupants, co-holders, co-sharers, or other persons, it shall be lawful for him, instead of selling the occupancy or alienated holding, to forfeit only the interest in the same of the said registered occupant or holder of alienated holding as the case may be, and to substitute the name of any such co-occupant,

Deputy Commissioner may in certain cases make co-occupant or other person registered occupant instead of selling occupancy for realization land revenue.

Section 79.

co-holder, co-sharer, or other person as registered occupant or holder thereof in the revenue records, on his payment of all sums due on account of land revenue for the occupancy or alienated holding; and such person so becoming the registered occupant or holder shall have the rights and remedies with respect to all other persons in occupation or enjoyment provided for by section 97.

CHAPTER VII.

OF SUPERIOR AND INFERIOR HOLDERS.

Tenancy.

Amount of
rent payable
by tenant.

79. A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking or retaining possession of land permissively from, or by sufferance of, another, shall be regarded as holding the same at the rent, or for the services, agreed upon between them; or, in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all the circumstances of the case, shall be just and reasonable.

Duration of
tenancy.

And where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him.

[a] *Explanation.*—In the following cases, such a presumption shall be raised:—

(1) Where the tenant has been recognised as a permanent tenant by the landlord or by a Court in a suit to which the landlord was a party.

(2) Where a tenant holds land in respect of which any alienation has been recognised by the landlord or by a

Section 80.

Court in a suit to which the landlord was a party or where the alienation has not been contested by the landlord for twelve years from the date of the service of notice of alienation to the landlord :

(3) Where for the better cultivation of the holding, the tenant has made permanent improvements thereon to the knowledge of the landlord and has been in undisturbed possession of the holding continuously for twelve years thereafter : provided that the landlord has made no contribution for such improvements nor recovered enhanced rent from the tenant nor given any notice in writing to the tenant that such improvements would not create any new rights :

(4) Where, in the absence of a contract regarding the nature and duration of the tenancy, the tenant has established that he has been in continuous possession on payment of fixed rent for a period of twenty years or more. [a]

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord, receives, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

Presumption
as to tenure.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or otherwise) to enhance the rent payable, or services renderable, by the tenant, or to evict the tenant for non-payment of the rent, or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

Saving clause.

80. An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

Annual ten-
ancy termi-
nates on 31st
March.

An annual tenancy shall, in the absence of any special agreement to the contrary, require for its termination a notice given in writing by the landlord to the tenant or by the tenant to the landlord at least three months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E or to the like effect.

Three
months'
notice to be
given by land-
lord and ten-
ant for ter-
mination of
tenancy.

Sections 81-83.

Landlord to
furnish ten-
ant with
written lease.

81. Every tenant is entitled to receive from his landlord a written lease containing the following particulars :—

(a) the quantity and description of land held by him, and where the fields have been numbered in the records of a Government survey or other public record, the number of each field ;

(b) the amount of annual rent, if any, payable for such land ;

(c) the instalments in which, and the dates on which, such rent is to be paid ;

(d) any special conditions of the lease ; and

(e) if the rent is payable in kind, the quantity or the share of produce to be delivered ; and the time, manner and place of delivery.

Landlord
entitled to
written
engagement
from tenant.

82. Every landlord who grants a lease is entitled to receive a written reciprocal engagement from the tenant, executed by the tenant and in conformity with the terms of the lease. The tender to any tenant of a lease such as he is entitled to receive shall entitle the landlord to receive a reciprocal engagement from such tenant.

Leases or
agreements
fixing rent in
perpetuity.

83. (1) Notwithstanding anything contained in section 79, where, before the passing of this Regulation, any lease has been granted or any agreement entered into fixing in perpetuity the rent of unalienated land, such lease or agreement shall, when the Government revenue payable in respect of such land is enhanced, be voidable at the option of the landlord, unless the tenant agrees to pay such rent as the Deputy Commissioner or other person duly empowered in this behalf may, on the application of the landlord, determine to be fair and reasonable.

(2) When the Government revenue payable in respect of such land is reduced, such rent as the Deputy Commissioner or other person duly empowered in this behalf may, on the application of the tenant, determine to be fair and reasonable, shall be accepted by the landlord.

(3) The determination of the amount of rent under this section shall be such that the net profits accruing to the landlord therefrom are the same as before the enhancement or reduction of the Government revenue.

Sections 84-86.

Rights of Tenants in Alienated Land.

84. A tenant holding alienated land, whether situated in an alienated village or not, and paying to the superior holder of such land, by way of land revenue, a rent in money or in kind assessed at rates of land revenue assessment obtaining at the time when such land was alienated by Government, or at rates subsequently fixed in accordance with the established rates of land revenue assessment for the village, or at rates fixed by competent revenue authority or by a survey settlement, shall have a right to continue to hold such land at the rent hitherto paid for it, or, when such rent is altered in accordance with this Regulation, at the rent so altered.

"*Kadim* tenant" defined.

Such a tenant shall be called a "*kadim* tenant."

The payment of rent by the person or persons from whom a *kadim* tenant derives his title shall be the payment of rent by such tenant within the meaning of this section.

Kadim tenant to have all rights conferred upon occupant of unalienated land.

A *kadim* tenant shall have all rights which are conferred by this Regulation upon an occupant of unalienated land.

85. In the case of alienated lands which are either immemorial waste lands or lands left unoccupied through voluntary relinquishment or otherwise, it shall be lawful for the superior holder, by means of a written agreement, to arrange his own terms of rent with the applicants for such lands: Provided that nothing in this section shall affect any special rights which, by law or usage having the force of law, are held by any individual or class of individuals in such waste or unoccupied lands.

Superior holder may arrange his own terms of rent for alienated waste land.

86. The rent payable by a *kadim* tenant shall not be liable to enhancement except—

Extent to which rent payable by a *kadim* tenant may be enhanced.

(a) to the extent of the proper full assessment as fixed and recorded at a survey under sections 111, 120 and 236, or under a revision of survey under section 115;

(b) to the extent necessary for re-imbursing the superior holder for any cesses assessable on lands which Government may newly impose upon him;

(c) to the extent of the additional value imparted to the holding by any work of irrigation or other improvement executed at the expense of the superior holder, or to the extent of any additional tax which he has been required

Sections 87-89

to pay to Government by reason of the additional value imparted to the holding, whether by the use of Government water, or by any work of irrigation or other improvement executed at the expense of Government.

Proviso.

Provided that the enhancement of rent due to additional value imparted to a holding under this section shall be fixed in accordance with the established local usage of the village, or, where there is no such local usage, in accordance with rates of assessment prevailing in neighbouring villages as regards lands, alienated or unalienated, of similar quality with similar advantages; and

(d) to the extent of the increased area of the holding due to alluvion, but subject to the conditions specified in sections 46 and 62.

Grounds for abatement of rent payable by a *kadim* tenant.

87. The rent payable by a *kadim* tenant is liable to abatement,

(1) on the ground that the area of the land held by him has been diminished by diluvian or otherwise, by any cause beyond his control;

(2) to the extent of any reduction of assessment at a survey or revision of survey under sections 111, 115, 120 and 236;

(3) when there has been an enhancement of rent on any of the grounds specified in clauses (b) and (c) of section 86, to the extent to which such grounds have ceased to exist, as well as to the extent to which the holding has deteriorated in value, by reason of the superior holder's neglect to repair or maintain irrigation works and the consequent diminution of the supply of water for irrigation purposes.

Suit for enhancement or abatement of rent to be made to Deputy Commissioner.

88. Any person entitled to have rent enhanced or abated upon any of the grounds specified in sections 83, 86 and 87 may bring a suit before the Deputy Commissioner within whose district the land on account of which such rent is payable is situated, and such Deputy Commissioner shall decide the suit after holding a formal enquiry.

Nothing in sections 84 to 87 to bar the enhancement or abatement of rent by written agreement of landlord and tenant.

89. Notwithstanding anything contained in sections 84 to 87 (both inclusive), an enhancement or abatement of rent payable by a *kadim* tenant may be effected by agreement in writing between tenant and landlord duly registered in accordance with the provisions of any law for the time being in force relating to the registration of

Sections 90-93.

assurances, and Civil Courts may take cognizance of suits based upon such agreement.

90. Every decision for enhancement or abatement of rent passed by the Deputy Commissioner under section 88 shall, except when such decision otherwise expressly directs, take effect from the commencement of the revenue year next following the date of the filing of the suit.

Operation of decision for enhancement or abatement of rent from what date to commence.

91. *Kadim* tenants are entitled to receive leases at the rate hitherto paid by them or determined in accordance with the provisions of section 88.

Terms of *kadim* tenants' leases.

All other tenants are entitled to leases on such terms as may be agreed upon between them and their landlords.

Terms of lease for other tenants.

92. When any superior holder of alienated land shall, for three months after demand, have refused to grant such lease as his tenant was entitled to receive, it shall be lawful for the latter to proceed by filing a suit before the Deputy Commissioner, who shall, after a formal enquiry decide the terms of the lease to which the tenant is entitled, and direct the superior holder to grant him such lease, and shall further award to the tenant such costs and damages as may be shown to have been incurred by him.

On refusal of superior holder, tenant to apply to Deputy Commissioner for lease.

93. When any tenant holding alienated land shall, for one month after demand, have refused to accept such a lease as the superior holder of such land was entitled to grant, or to execute a reciprocal engagement under section 82, it shall be lawful for the superior holder to proceed by a suit before the Deputy Commissioner to enforce the acceptance of such lease. The Deputy Commissioner shall thereupon hold a formal enquiry to determine whether the lease offered is a proper one.

On refusal of tenant to accept lease or to execute reciprocal engagement, superior holder to apply to Deputy Commissioner.

If he shall be of opinion that the lease is a proper one, he shall pass a decision directing the tenant to accept the lease and to execute a reciprocal engagement in accordance with it. If the Deputy Commissioner shall be of opinion that the lease offered is not a proper one, he shall decide what lease ought to be offered and shall pass a decision directing the tenant to accept such lease and to execute a reciprocal engagement in accordance therewith.

If, within six months after the date of the Deputy Commissioner's decision, the tenant shall not have accepted the lease, as approved or amended by the Deputy Commissioner in manner aforesaid, and shall not have

Sections 94-96A.

executed a reciprocal engagement in accordance with the terms of such lease, the Deputy Commissioner, on the application of the superior holder and on proof of such default on the part of the tenant, shall pass an order for ejecting the tenant.

Determina-
tion of dis-
putes in suits
under sections
92 and 93.

94. The determination of disputes regarding the amount or rates of rent in suits under sections 92 and 93 shall be in accordance with the rules contained in sections 86 and 87.

Procedure on
refusal of su-
perior holder
to grant lease
as directed.

95. (1) When the superior holder required by a decision under section 92 to grant a lease refuses or delays to grant the same, the Deputy Commissioner may grant a lease under his own hand and seal in conformity with the terms of the decision, and such lease shall be of the same force and effect as if granted by such superior holder.

Deputy Com-
missioner's
decision to be
evidence of
amount of
rent claimable
from tenant.

(2) When the tenant required by a decision under section 93 to execute a reciprocal engagement has refused or failed to execute the same, the decision shall be evidence of the amount of rent claimable from such tenant, and shall have the same force and effect as a reciprocal engagement executed by him.

Procedure in
suits under
sections 88, 92
and 93.

96. (1) In suits under sections 88, 92 and 93, the procedure prescribed by Chapters V, VII, VIII, XXXVII and XLVII of the Code of Civil Procedure, as extended to the territories of Mysore by Regulation II of 1884, shall be followed in so far as the same may be applicable to them.

Appeals in
such suits to
lie to Chief
Court.

(2) An appeal shall lie to the Chief Court from all decisions passed by a Deputy Commissioner under sections 88, 92 and 93, and from all orders passed in execution of any such decision; provided that the appeal be presented to the Chief Court within ninety days of the Deputy Commissioner's decision or order. But no such decision or order shall be set aside otherwise than upon the merits, for any want of form or irregularity in procedure.

Land revenue
payable to a
superior
holder by an
inferior
holder to be a
first charge on
the holding.

***96A.** Any rent or land revenue payable by an inferior holder to a superior holder together with interest at rates fixed by any rules framed by Government, shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of

Sections 97-98.

the Government or any right or encumbrance created by the inferior holder with the consent of the superior holder in writing registered or before the date of this Regulation coming into force.

Recovery of Superior Holders' Dues.

97. Superior holders (other than occupants of unalienated lands in villages the settlement of which has not been completed under Bombay Act I of 1865 or under Chapter VIII of this Regulation) shall be entitled to apply to the Deputy Commissioner in writing for assistance, by the use of precautionary and other measures, for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings, under the same rules, except that contained in section 143, and in the same manner as prescribed in Chapter XI of this Regulation for the realization of land revenue by the Government.

Superior holders entitled to assistance in recovering rent.

Provided that such application be made [a] within two years from the end of the revenue year or within the year of tenancy [a] in which the said rent or land revenue became payable. And provided further that, when such application is for the recovery of rent or land revenue from an inferior holder, it is based—

Proviso.

Firstly, upon a written agreement duly executed by such inferior holder and registered in accordance with the law for the time being in force for the registration of assurances; or

Secondly, upon a decision passed under any of the foregoing provisions of this Chapter; or

Thirdly, upon the records of a revenue settlement in force for the time being as proved by Government accounts or by accounts which Government recognizes for the purpose of this section.

98. On application being made under section 97 to the Deputy Commissioner, he shall cause a written notice thereof to be served on the inferior holder or co-sharer, fixing a day for inquiry into the case. On the day so fixed he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of rent or land revenue

Deputy Commissioner how to proceed on such application.

Section 99.

as appears to him upon the evidence before him to be lawfully due.

Assistance may be refused or granted to a limited extent only.

But if it appears to the Deputy Commissioner that the question at issue between the parties is of a complicated nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates has been assessed under the provisions of Chapter VIII of this Regulation, or at any survey settlement confirmed by section 121, grant assistance to the extent only of the assessment so fixed upon the said land.

Civil suit not to be barred.

Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him, or to have been levied from him in excess of what was due, as the case may be.

Grant of Special Powers to Holders of Alienated Lands.

Government may by commission confer certain powers on holders of alienated lands.

99. It shall be lawful for the Government at any time to issue a commission to any holder of alienated lands, conferring upon him all or any of the following powers in respect of the land specified in such commission, namely,—

(a) to demand security for the payment of the land revenue or rent due to him, and, if the same be not furnished, to take such precautions as the Deputy Commissioner is authorized to take under sections 147 to 149, except the power to fine under para 3 of section 148, or to sell the crop under section 149 ;

(b) to attach the property of persons making default in the payment of such land revenue or rent as aforesaid ;

(c) to fix from time to time the times at which, and the instalments in which, the land revenue or rent due to him shall be payable.

(d) to exercise the powers of a Deputy Commissioner under sections 63 and 64 ;

(e) to receive notices of relinquishment under section 71, and to determine the date up to which such notices shall be received as in that section provided ; and

(f) to take measures for the maintenance and repair of boundary marks in the manner provided for survey officers in section 130 :

Proviso.

Provided that the powers contemplated in clauses (c) to (f), both inclusive, shall be conferred only on

Sections 100-102.

holders of lands to which a survey settlement has been extended under the provisions of section 236 :

And provided further that the Government may in its discretion invest any holders of alienated village with any of the powers of a Deputy Commissioner under this Regulation, when such holder has, within the 30 years before the passing of this Regulation, regularly exercised corresponding powers whenever the estate has been in his own management.

100. Every such commission shall be in the form of schedule F, and shall be liable to be withdrawn at the pleasure of Government; and a commission may, if the Government see fit, be issued to one or more agents of a holder of alienated lands as well as to the holder in person.

Terms of such commission.

101. If the holder of any such commission attach a defaulter's property, he shall make an immediate report to the Deputy Commissioner of his having done so. Should the demand on account of which the attachment has been made appear to the Deputy Commissioner, after such enquiry as he may deem fit to make, to be just, he shall give orders for the sale of the property, and the sale shall be conducted agreeably to the provisions of sections 171 to 192 either by the Deputy Commissioner or his subordinates or by the holder if the Government, by an order under the last proviso to section 99, has authorised the holder to conduct such sale.

Reference must be made by holder of commission to Deputy Commissioner in certain cases.

102. All compulsory processes shall cease —

on the defaulter's paying or tendering the amount demanded of him under protest; or

on his furnishing either to the holder of the commission or his agent or agents, or to the Deputy Commissioner, satisfactory security in the form of schedule D, or to similar effect.

When compulsory process shall cease.

And any holder of any such commission as aforesaid, by himself or his agents, proceeding with any compulsory process after payment made or tendered as aforesaid, or after the furnishing of such security as aforesaid, or after tender thereof, shall be liable, on conviction in a summary inquiry before the Deputy Commissioner, to a penalty not exceeding three times the amount of the revenue sought to be recovered by such compulsory process.

Sections 103-106.

Power under commission to extend to current and previous years' arrears.

103. The power conferred by any such commission shall extend to the enforcement of the payment of the revenue or rent of the current revenue year and of the revenue year next immediately preceding, but not that of former years.

Holder of commission not to enforce any unusual or excessive demand.

104. The holder of any such commission shall not enforce a demand for revenue or rent in excess of what any inferior holder has paid previously to the date of such demand, or of what he may have contracted to pay by an instrument in writing duly registered in accordance with the law for the time being in force relating to the registration of assurances, or of what may have been decided as the proper amount of rent by a decision under section 88, 92 or 93. In the event of a dispute, the Deputy Commissioner shall hold a summary enquiry and decide what is just, and the holder of the commission shall not enforce a demand for more than what is so decided to be just.

Penalty for so doing.

The person against whom any demand shall have been enforced in excess of the amount of which payment is lawfully enforceable, shall be entitled to recover, on conviction of the holder of the commission in a summary inquiry before the Deputy Commissioner, three times the amount of any such excessive demand by way of damages, and the sum so due by the holder of the commission shall be leviable from him as an arrear of land revenue.

Nothing in this chapter to prevent civil suit.

105. Nothing contained in the provisions of this chapter shall prevent parties holding the relation of landlord and tenant from seeking remedy in Civil Courts on matters not specially provided for in this chapter.

CHAPTER VIII.

OF SURVEY SETTLEMENTS AND THE PARTITION OF ESTATES.

Survey Settlements.

Revenue survey may be introduced by Government into any part of Mysore.

106. It shall be lawful for the Government, whenever it may seem expedient, to direct the survey of any land in any part of the territories of Mysore, with a view to the settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a

Sections 107-109.

revenue survey. Such survey may extend to the land of any village, town or city generally, or to such land only as the Government may direct; and, subject to the orders of the Government, it shall be lawful for the officers conducting any such survey to except from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

The control of every such revenue survey shall vest in, and be exercised by, the Government.

Control of revenue survey.

107. It shall be lawful for the survey officer deputed to conduct or take part in any such survey to require, by general notice, or by summons, the attendance of holders of land and of all persons interested therein, in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluk and village officers, who, in their several stations and capacities, are legally, or by usage, bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the survey, and such service in connection therewith, as may not be inconsistent with the position of the individuals so called on.

Survey officer may require, by general notice or by summons, suitable service from holders of land, etc.

108. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends, by furnishing flag-holders: and in the event of a necessity for employing hired labour for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the lands surveyed for collection as a revenue demand.

Assistance to be given by holders and others in the measurement or classification of lands.

109. Except as hereinafter provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the [a] Revenue Commissioner [a]. A record of the minima so fixed shall be kept in the Amildar's office in each taluk, and shall be open to the inspection of the public at all reasonable times.

Survey numbers not to be less than a certain extent.

[a—a] These words were substituted for the word "Government" by section 4 of Regulation VI of 1906.

Sections 110-111.

[b] *Exception 1.*—These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed or which may be so made under the authority of the Revenue Commissioner given either generally or in any particular instance in this behalf: and any survey number separately recognised in the survey records shall be deemed to have been authorizedly made, whatever be its extent.

Exception 2.—Survey numbers may, from time to time, and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason. [b]

Recognized
shares of sur-
vey numbers.

110. Recognized shares of survey numbers shall be subject to the same provisions of this Regulation as are applicable to entire survey numbers, except—

(a) that it shall not be obligatory to demarcate such shares separately; and

(b) that if any such share is relinquished by the occupant absolutely under the provisions of section 71, the occupancy thereof shall be offered to the occupants of the other shares of the same survey number in the order of the relative largeness of the amounts payable by them respectively on account of the assessment of their said shares; and that, in the event of their all refusing the occupancy of the said share, the assessment thereon shall, until such time as the entire number is relinquished by them, be levied from them in proportion to the amounts of assessment payable by them as aforesaid.

Officer in
charge of
survey to fix
assessment.

111. (1) Subject to rules or orders made in this behalf under section 233, the officer in charge of a survey shall have authority to fix the assessment for land revenue at his discretion on all lands within the local operation of an order made under section 106 not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of section 112, be levied on all such lands.

The assess-
ment may be
on land, or on
means of irri-
gation, &c.

(2) The power to assess under this section shall, in the case of lands used for purposes of agriculture alone, include power to assess, whether directly on the land, or in the form of a rate or cess upon the means of irrigation in respect of which no rate is levied under section 53, or

[b—b] Substituted paragraph 2 of the section by section 7 of Regulation XVII of 1928.

Sections 112-113.

in any other manner whatsoever that may be sanctioned by Government.

(3) In fixing the assessment under this section, regard shall be had to the requirements of the proviso to section 50. Regard to be had to proviso to section 50.

(4) Nothing in this section shall be deemed to prevent the survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue, or on all lands especially excepted under section 106 from the survey settlement, or from dividing all such lands to which the survey extends into survey numbers. Proviso.

112. The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of Government. It shall be lawful for the Government to declare such assessment, with any modification which it may deem necessary, fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agricultural alone, and in the case of all other lands for any term or in perpetuity: Provided that nothing in this section shall prevent the Government from fixing the assessment on lands held on coffee tenure or granted for fuel or timber plantations for any term or in perpetuity subject to such conditions as it may prescribe. Assessment not leviable without the sanction of Government. But may be fixed with or without modification by the Government for a term of years.

113. When, in the case of lands used for the purposes of agriculture alone, Government shall have sanctioned the assessments fixed by the officer in charge of the survey, it shall be the duty of the said officer, or of the Deputy Commissioner, or Assistant Commissioner, publicly to announce, or to cause to be announced, the assessment fixed on each survey number, or recognized share of a survey number. Introduction of survey settlement how to be made.

The said officer, or the Deputy Commissioner, or Assistant Commissioner shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

If the holder or other person interested in any holding do not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

When the assessments have been announced in manner provided in the first clause of the section, the survey settlement shall be held to have been introduced.

Sections 114-117.

The fixing of assessment under section 112 limited to ordinary land revenue.

114. The fixing of the assessment under the provisions of section 112 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Government to impose under the provisions of any law for the time being in force for purposes of local improvement, such as the construction, maintenance and improvement of schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 53.

Government may direct a fresh revenue survey and revision of assessment.

115. It shall be lawful for the Government to direct at any time a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 112, or of Bombay Act I of 1865.

But improvements made from private capital and resources not to be assessed.

A revised assessment shall be fixed, not with reference to improvements made from private capital and resources during the currency of any settlement made under this Regulation or under Bombay Act I of 1865, but with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication.

When, in fixing the assessment of any land, regard is had to a natural advantage thereof, and that advantage cannot be fully utilized except by means of an improvement which has not been made at the time of fixing the assessment, nothing in this section shall prevent the Government from foregoing its demand for a portion of the assessment until the expiration of such period after the improvement has been made, as, having regard to the reasonable claims of the person making the improvement and the expediency of encouraging improvements, it may think fit.

Certain improvements may be considered in fixing revised assessment.

116. Nothing in the last preceding section shall be held to prevent a revised assessment being fixed with reference to any improvement effected at the cost of Government.

Preparation of statistical and fiscal records.

117. It shall be the duty of the survey officer, on the occasion of making or revising a settlement of land revenue to prepare a register, to be called "the Settlement Register," showing the area and assessment of each survey number, together with the name of the registered

Sections 118-119A.

occupant of such survey number, and other records, in accordance with such orders as may from time to time be made on this behalf by Government.

118. The survey officer, or, if the survey settlement have been introduced under the provisions of section 113 by the Deputy Commissioner or Assistant Commissioner, the Deputy Commissioner or Assistant Commissioner, shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the Settlement Register.

Survey officer or Deputy Commissioner or Assistant Commissioner to correct clerical and admitted errors in the settlement register.

The Superintendent of Survey or the Deputy Commissioner shall receive and enquire into all applications made to him at any time within two years after the introduction of the survey settlement for the correction of any wrong entry of a registered occupant's name in the said register, and if satisfied that an error has been made, whether through fraud, collusion, oversight, or otherwise, shall correct, or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made after the said period of two years, except with the previous sanction of Government.

And enquire into and pass orders on certain applications for mutation of names.

119. The Deputy Commissioner shall keep the settlement register, and such other records, prepared by the survey officer, as Government shall direct, and shall cause the village records and accounts to be prepared in accordance therewith.

Deputy Commissioner to keep survey records and frame village records in accordance therewith.

He shall not make any alterations or corrections in the settlement register, but shall cause to be registered in the village records and accounts all changes that may take place, and anything that may affect any of the rights or interests therein recorded.

And to register changes, &c.

[b] **119A.** Whenever it appears to the Government that an alienated village is being grossly mismanaged during the period of the minority or of unsoundness of mind of the holder, the Government may, by notification in the *Official Gazette*, order the Deputy Commissioner or any

Assumption of management of alienated holdings by Government.

[b—b] Added by section 8 of Regulation XVII of 1926.

Sections 120-122.

other officer of Government to assume the management of such village temporarily on behalf of Government and may, by a like order, release the property from its management as soon as the holder ceases to be a minor or the disability has ceased or for any other reason.[b]

Revenue management of villages or estates not belonging to Government that may be temporarily under Government management.

120. (1) In the event of any alienated village or estate coming under the temporary management of Government officers, it shall be lawful for the Deputy Commissioner to let out the lands thereof at rates determined by means of a survey settlement, or at such other fixed rates as he may deem to be reasonable, and to sell the occupancy of unoccupied lands by auction, and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of Government officers: provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land.

Management of lands the property of the Palace.

* (2) In respect of lands the property of the Palace, the Deputy Commissioner, in the case of lands under the management of Government, and the Palace Controller or other officer nominated by Government in this behalf, in the case of lands under the direct management of the Palace, may exercise all the powers conferred on a Deputy Commissioner by this Regulation in respect of unalienated land.*

Maintenance of existing settlements of land revenue.

121. Existing survey settlements of land revenue, made, approved and confirmed under the authority of the Government, shall be, and are hereby declared to be, in force, subject to the provisions of this Regulation.

Partition.

Rules for partition of estate paying revenue to Government.

122. The following rules shall be enforced at the partition of any estate paying land revenue to Government, namely:—

(1) the estate shall be divided as far as possible according to survey numbers without sub-dividing any number;

[*—*] Added by regulation I of 1919.

Sections 123-124.

but if the partition cannot be completely effected without sub-dividing a number, such sub-division may be made by the Deputy Commissioner, subject to the provisions of section 109 :

(2) any number or sub-division of a number, which may remain over after the partition has been carried out, as far as possible, according to the last rule, and which is incapable of sub-division or of further sub-division owing to the provisions of section 109, shall be made over to one of the sharers in consideration of his paying to the other sharers the value in money of their shares in the same, or shall be sold and the proceeds divided amongst all the sharers, or otherwise disposed of, as the Deputy Commissioner thinks fit :

(3) the expenses necessarily and properly incurred in making such partition shall be recoverable as a revenue demand in such proportions as the Deputy Commissioner thinks fit from the sharers at whose request it is made, or from the persons interested in such partition.

123. Whenever any one or more co-sharers in an alienated village into which a revenue survey has been introduced consent to a partition of the said estate, it shall be lawful for the Deputy Commissioner, or for any other officer duly empowered by him in this behalf, subject to the rules contained in the last preceding section, to divide the said village into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers :

Partition of alienated village by the Deputy Commissioner on application by co-sharers.

Provided that no such partition shall be made, unless :—

(a) all the co-sharers are agreed as to the extent of their respective rights in the village ; and

(b) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one half of the assessment of the entire village.

In such cases the expenses of partition shall be recovered under rule (3) of the last preceding section from all the co-sharers in the village divided.

124. At the time of a revision of survey, it shall be in the discretion of the officer in charge of the survey, subject to the provisions of section 109 and to any departmental rules or orders in this behalf at the time in force, to sub-divide any survey number into two or more distinct

Sub-division of numbers at time of revision of survey.

Sections 125–126.

numbers, and to enter the names and liabilities of the persons whom he shall deem entitled to be recognized as registered occupants of such sub-divisions in the settlement register separately.

Separate demarcation of land appropriated under section 63 or 65.

125. When any portion of cultivable land is appropriated under the provisions of section 63 or 65 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated, and made into a separate number at any time, notwithstanding the provisions of section 109.

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS.

Determination of village boundaries.

126. The boundaries of villages situated in the territories of Mysore shall be fixed, and all disputes relating thereto shall be determined, by survey officers, or by such other officers as may be nominated by Government for the purpose, who shall be guided by the following rules:—

Village boundaries may be settled by agreement.

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and, in the case of an alienated village, the holder thereof, or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Procedure in case of disagreement or dispute.

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground

Sections 127-128.

in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal enquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation.

127. If, at the time of survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the survey officer according to the village records, and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

Determina-
tion of field
boundaries.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if, at any time after the survey records have been handed over to the Deputy Commissioner, a dispute arise concerning the boundary of any survey number, it shall be determined by the Deputy Commissioner, who shall be guided, in the case of survey numbers, by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

128. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if, within a period to be fixed by the said officer, the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final :

Settlement of
boundary dis-
pute by arbi-
tration.

Provided that the said officer or the Superintendent of Survey shall have power to remit the award or any of the matters referred to arbitration, to the re-consideration

When award
may be remit-
ted for recon-
sideration.

Sections 129-130.

of the same committee for any of the causes set forth in section 520 of the Code of Civil Procedure.

If arbitration fail, survey officer to settle the dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he, or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey, see fit to extend the time, to settle the same as otherwise provided in this Regulation.

Effect of the settlement of a boundary.

129. The settlement of a boundary under any of the foregoing provisions of this chapter shall be determinative—

(a) of the proper position of the boundary line or boundary marks; and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

Boundary Marks.

Construction and repair of boundary marks of survey numbers and villages.

130. It shall be lawful for any survey officer authorized by a Superintendent of Survey or settlement Officer, to cause to be constructed or repaired boundary marks of villages or survey numbers, whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on landholders to erect or repair boundary marks.

Such officer may require landholders to construct or repair their boundary marks by a notification, which shall be posted in the *chavadi* or other public place in the village to which the lands under survey belong, directing the holders of survey numbers to construct or repair, within a specified time, the boundary marks of their respective survey numbers, and on their failure to comply with the requisition so made, the survey officer shall then construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends.

Description of boundary marks.

The size, material and description of boundary marks shall be such as may, under the orders of Government, be fixed by the Superintendent of Survey, according to the requirements of soil and climate.

Sections 131-134.

131. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

Responsibility for the maintenance of boundary marks.

132. When the survey settlement shall have been introduced into a district, the charge of the boundary marks shall devolve on the Deputy Commissioner, and it shall be his duty to take measures for their maintenance and repair, and for this purpose the powers conferred on survey officers by section 130 shall vest in him.

Deputy Commissioner to have charge of boundary marks after introduction of the survey settlement.

133. Any person convicted, after a summary enquiry before the Deputy Commissioner, or before a survey officer not lower in rank than an Assistant Superintendent of Survey, of wilfully erasing, removing or injuring a boundary mark, or unauthorizedly erecting a boundary mark, shall be liable to a fine not exceeding fifty rupees for each mark, so erased, removed, injured, or erected.

Penalty for injuring boundary marks.

CHAPTER X.

OF LAND WITHIN THE SITES OF VILLAGES,
TOWNS AND CITIES.

134. It shall be lawful for the Deputy Commissioner, or for a survey officer acting under the general or special orders of Government, to determine what lands are included within the site of any village, town or city, to fix, and from time to time to vary the limits of the same, respect being had to all subsisting rights of landholders, and to set apart for building sites within such limits any lands which may be the property of Government and not in the lawful occupation of any person or aggregate of persons, provided that no land hitherto used for purposes of agriculture only shall be so set apart for building sites except under the special or general sanction of the Government. Land already set apart for building sites within the sites of any village, town or city, shall be deemed to have been so set apart under this section.

Limit of sites of villages, towns and cities how to be fixed, and assignment of building sites.

Sections 135-137.

Disposal of
building sites.

135. It shall be lawful for the Deputy Commissioner [a] or such other authority as the Government may authorise in this behalf [a] to dispose of lands set apart for building sites under section 134 in such manner as may be directed by rules which the Government may, from time to time, frame in that behalf, either subject to or exempt from liability to payment of land revenue, as may be directed by such rules.

Occupancy
right con-
firmed.

136. The existing right of occupancy of all lands within the sites of villages, towns and cities, is hereby confirmed so far as the interest of Government is concerned, only excepting the case of encroachments, as provided for in section 37 of this Regulation.

Existing
exemptions
confirmed.

137. (1) Existing exemptions from payment of land revenue of lands situate within the sites of villages, towns and cities are hereby confirmed—

If land is an
inam.

Firstly, if such lands be alienated lands recognized by competent authority as wholly or partially exempt from the payment of land revenue ;

If non-agricul-
tural land has
hitherto
actually en-
joyed exemp-
tion.

Secondly, if such lands, being other than lands ordinarily used for purposes of agriculture, have been held wholly or partially exempt from payment of land revenue at the time of the introduction of this Regulation ;

If agricultu-
ral land has
hitherto en-
joyed exemp-
tion as back-
yards or
hittals.

Thirdly, if such lands, being ordinarily used for purposes of agriculture, have been held exempt from payment of land revenue at the time of the introduction of this Regulation, having been excepted from a survey settlement already introduced on the ground of their being back-yards or *hittals* attached to buildings or of its being deemed inexpedient to apply a survey settlement to them.

Government
may declare
what lands in
villages, etc.,
ordinarily
used for
agriculture
shall be ex-
empt from
land revenue.

(2) The Government may from time to time make, and from time to time vary or rescind, rules—

(a) declaring the nature, extent, description and situation of lands ordinarily used for purposes of agriculture within the sites of villages, towns and cities, to which a survey settlement shall not be applied and which shall be exempt from land revenue ; and

And fix assess-
ment for a
term or in
perpetuity.

(b) fixing the assessment on lands not exempt from land revenue, and situated within the sites of villages, towns and cities, for any term or in perpetuity, anything in section 112 notwithstanding.

Sections 138-141.

138. If any land within the sites of any village, town or city, hitherto ordinarily used for agricultural purposes only and partially exempt from the payment of land revenue, be appropriated to any other purposes, it shall be liable to the payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable in respect of such land.

Inam lands hitherto used for purposes of agriculture only appropriated to other purposes.

139. If the Government shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town or city, under the provisions of section 106, or a fresh survey thereof under the provisions of section 115, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Regulation, due regard being had to all existing exemptions from the payment of land revenue confirmed by section 137 :

Survey of lands in sites of villages, towns and cities how to be conducted.

Provided that nothing contained in sections 107, 108, 111 para (2), 113 or 126 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

Proviso.

140. When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants, each holder of a building site shall be liable to the payment of a survey fee to be assessed by the Deputy Commissioner under such rules as may be prescribed in this behalf from time to time by Government: Provided that the said fee shall in no case exceed rupees five for each survey number. The said survey fee shall be payable within six months from the date of a public notice to be given in this behalf by the Deputy Commissioner after the completion of the survey of the site of the town or city or of such part thereof as the notice shall refer to.

In certain cases a survey fee to be charged.

141. Every holder of a building site as aforesaid shall be entitled, after payment of the said survey fee, to receive from the Deputy Commissioner without extra charge one or more sannads, in the form of Schedule G, specifying by plan and description the extent and conditions of his holding :

Sannad to be granted without extra charge.

Provided that, if such holder do not apply for such sannad or sannads at the time of payment of the survey

Proviso.

Sections 142-143.

fee or thereafter within six months from the date of the public notice issued by the Deputy Commissioner under the last preceding section, the Deputy Commissioner may require him to pay an additional fee not exceeding one rupee for each sannad.

Every such sannad shall be executed on behalf of the Government by such officer as may from time to time be lawfully empowered to execute the same.

CHAPTER XI.

OF THE REALIZATION OF THE LAND REVENUE AND
OTHER REVENUE DEMANDS.*Responsibility for land Revenue.*

Primary
responsi-
bility.

142. The registered occupant shall be primarily responsible to Government for the land revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land revenue of alienated land.

Recovery of
land revenue
if the person
primarily
responsible
fails to pay it.

On failure of the person primarily responsible to Government for the land revenue to pay the same according to the rules legally prescribed in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder or person in actual occupation of the land.

Credit to be
allowed to
inferior
holder
for recoveries
made from
him.

When the land revenue is recovered from any such occupant, co-sharer, inferior holder, or other person, he shall be allowed credit for all payments which he may have made to the registered occupant, or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder or with his landlord for the amount recovered from him.

Priority of Government Claim for Land Revenue.

Claims of Gov-
ernment to
have prece-
dence over all
others.

143. The claim of Government to any moneys recoverable under the provisions of this chapter shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment decree, execution or attachment, or otherwise, howsoever, against any land or the holder thereof.

Sections 144-147.

144. In all cases the land revenue, for a revenue year, of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from any crop planted or harvested during such year on the land subject to the same.

Liability of
crop for rev-
enue of land.

Land Revenue when leviable.

145. The land revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 146 to 150, payment will be required only on the dates to be fixed under the provisions hereinafter contained.

Land revenue
may be levied
at any time
during the
revenue year.

Precautionary Measures for the Security of the Land Revenue.

146. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a civil court or other public authority or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the revenue of the said land recoverable under section 144 has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged, or otherwise disposed of, be detained on account of more than one year's revenue.

Removal of
crop which
has been sold,
etc., may be
prevented
until the
revenue is
paid.

147. It shall be lawful for the Deputy Commissioner, in order to secure the payment of the land revenue by the enforcement of the lien of Government on the crop,—

In order to
secure the
land revenue
the Deputy
Commis-
sioner may
prevent the
reaping of the
crop, or

(a) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

(b) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid;

the removal
thereof, or

Sections 148-150.

place watchmen over it.

(c) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and to realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land revenue due in respect of the land to which such crop belongs.

Deputy Commissioner's orders under last section how to be made known.

148. The Deputy Commissioner's order under either clause (a) or clause (b) of the last preceding section may be issued generally to all the holders of land paying revenue to Government in a village, or to individual holders merely.

If the order be general, it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the *chavadi*, or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Penalty for disobedience of order.

Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after summary inquiry by the Deputy Commissioner, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed.

Reaping, etc., not to be unduly deferred.

149. The Deputy Commissioner shall not defer the reaping of the crop, or prolong its deposit unduly so as to damage the produce; and if, within two months after the crop has been deposited, the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this chapter, or take such portion thereof as he may deem fit for sale under the provisions of this chapter applicable to sales of moveable property in realization of the revenue due and of all legal costs, and release the rest:

Crop when to be released.

Proviso.

Provided that the limit of two months shall not apply to articles of a perishable nature which shall immediately be sold as provided in section 174.

Temporary attachment and management of a village or share of a village.

150. If, owing to disputes among the sharers, or for other cause, the Deputy Commissioner shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire

Sections 151-154.

village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

The provisions of section 166 shall apply to any village or share of a village so attached, and all surplus profits of the land attached beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 120, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same or paid to the said person or persons from time to time, as the Deputy Commissioner, subject to the orders of the * Revenue Commissioner * may direct.

Section 166 to apply.
Disposal of surplus profits.

151. The precautionary measures authorized by the last five sections shall be relinquished if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, shall pay the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and shall furnish security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Precautionary measures to be relinquished on security being furnished.

Regulation of payment of Land Revenue.

152. Land revenue, except when it is recovered under the provisions of the foregoing sections 146 to 150, shall be payable at such times, in such instalments, to such persons and at such places as may, from time to time, be determined by the orders of Government.

Government to determine the dates, &c., on which land revenue shall be payable.

Defaulters.

153. Any sum not so paid becomes thereupon an arrear of land revenue; and the persons responsible for it, whether under the provisions of section 142 or of any other section, become defaulters.

Arrear defaulters.

154. If any instalment of land revenue be not fully paid within the prescribed time, it shall be lawful for the

Liability incurred by default.

[*—*] These words were substituted for the word "Government" by section 4 of Regulation VI of 1906

Sections 155-157.

Deputy Commissioner to proceed to levy at once the entire balance of land revenue due by the defaulter for the current revenue year, in addition to such charge as a penalty, or by way of interest, as may be authorized according to a scale to be fixed from time to time under the orders of the Government.

Certified amount to be evidence as to arrears.

Deputy Commissioners may realize each other's demands.

155. A statement of account certified by the Deputy Commissioner or by an Assistant Commissioner shall, for the purposes of this chapter, be conclusive evidence of the existence of the arrear, of the amount of land revenue due, and of the person who is the defaulter.

On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of one district to proceed to recover the demands of the Deputy Commissioner of any other district under the provisions of this chapter as if the demand arose in his own district.

Recovery of Arrears.

Process for recovery of arrears.

156. An arrear of land revenue may be recovered by the following processes:—

(a) by serving a written notice of demand on the defaulter under section 158;

(b) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 159;

(c) by distraint and sale of the defaulter's moveable property under section 160;

(d) by sale of the defaulter's immoveable property under section 161;

(e) by arrest and imprisonment of the defaulter under sections 163 and 164;

(f) in the case of alienated holdings consisting of entire villages, or shares of villages, by attachment of the said villages or shares of villages under sections 165 to 169.

Revenue demands of former years how recoverable.

157. The said processes may be employed for the recovery of arrears of former years as well as of the current revenue year, but the preference given by section 143 shall, except in cases falling under section 54, apply only to demands for the current revenue year, and the preference given by section 144 shall apply only to demands for the year in which the crop is planted or harvested.

Proviso.

Provided that any process commenced in the current year shall be entitled to the said preferences notwithstanding that it may not be fully executed within that year.

*Sections 158-163.**Notice of Demand.*

158. A notice of demand may be issued on or after the day following that on which the arrear accrues.

When notice of demand may issue.

The *Revenue Commissioner* may from time to time frame rules for the issue of such notices, and † with the Sanction of the Government † shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

Forfeiture of Occupancy or Alienated Holding.

159. The Deputy Commissioner may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due to be forfeited to Government, and sell or otherwise dispose of the same under the provisions of sections 54 and 55, and credit the proceeds, if any, to the defaulter's accounts.

The occupancy of alienated holding for which arrear is due may be forfeited.

Sale of Defaulter's Property.

160. The Deputy Commissioner may also cause the defaulter's moveable property to be distrained and sold. Such distraint shall be made by such officers or class of officers as the ‡ Revenue Commissioner ‡ §--§ may, from time to time, direct.

Distraint and sale of defaulter's moveable property. By whom to be made.

161. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immoveable property, other than the land on which the arrear is due, to be sold.

Sale of defaulter's immoveable property.

162. All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree, shall also be exempted from distraint or sale under either of the last two preceding sections.

Exemption from distraint and sale.

The Deputy Commissioner's decision as to what property is so entitled to exemption shall be final.

Arrest and Imprisonment.

163. At any time after an arrear becomes due, and after a written notice of demand under section 158 has

Arrest and detention of defaulter.

[*—*] These words were substituted for the word 'Government' by section 4 of Regulation VI of 1906.

[†—†] Inserted by section 10 of Regulation VI of 1906.

[‡—‡] Substituted for the word 'Government' by section 11 of Regulation VI of 1906.

§—§ The words 'under the orders of Government' here were omitted by Regulation VIII of 1920.

Sections 164-165.

been served without effect, if the Deputy Commissioner shall have reason to believe that the defaulter is wilfully withholding payment of the arrears or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to arrest and detain the defaulter in custody for ten days in the office of the Deputy Commissioner or of an Amildar or Deputy Amildar, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, and the cost of his subsistence during detention is sooner paid.

Imprison-
ment
in Civil Jail.

If, on the expiry of ten days, the amount due by the defaulter is not paid, then, or, if the Deputy Commissioner deem fit, on any earlier day, he may be sent by the Deputy Commissioner with a warrant, in the form of Schedule C, for imprisonment in the civil jail of the district :

Proviso.

Provided as follows :—

Duration of
defaulter's
custody.

Firstly, that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter ;

Exemption of
minor,
lunatic, idiot
and female.

Secondly, that no minor, lunatic, idiot or female shall be liable to be arrested under this section ;

Power to Gov-
ernment to
exempt parti-
cular places or
individuals.

Thirdly, that the Government may, by special or general order, exempt particular places or individuals from the provisions of this section during such time as may be specified in such order, and it may from time to time cancel such order.

Power of
arrest by
whom to be
exercised.

164. * The Revenue Commissioner may, with the sanction of Government * from time to time, declare by what officers, or class of officers, the powers of arrest conferred by section 163 may be exercised, and also fix the costs of arrest and the amount of subsistence money to be paid by Government to any defaulter under detention or imprisonment.

Attachment of Villages.

Power to
attach
defaulter's
village, and
take it under
management.

165. If the holding in respect of which an arrear is due consists of an entire village or of a share of a village,

[*—*] These words were substituted for the words ' Govt. may ' by Section 12 of Regulation VI of 1906.

Sections 166-168.

and the adoption of any of the other processes before specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the * Revenue Commissioner * cause such village or share of a village to be attached, and taken under the management of himself or any agent or officer whom he appoints for that purpose.

166. The lands of any village or share of a village so attached shall revert to Government unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without any prejudice in other respects to the rights of individuals;

Lands of such village to revert to Government free of incumbances.

and the Deputy Commissioner, or the agent or officer so appointed, shall be entitled to manage the lands attached, and to receive all rents and profits accruing therefrom, to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof.

Deputy Commissioner or agent entitled to manage the lands attached.

167. All surplus profits of the lands attached, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 120 of this Regulation, shall be applied in defraying the said arrear.

Application of surplus profits.

168. The village or share of a village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder, on the said superior holder making an application to the Deputy Commissioner for that purpose at any time within twelve years from the 1st April next after the attachment, if at the time that such application is made it shall appear that the arrear has been liquidated, or if the said superior holder shall be willing to pay the balance, if any, still due by him, and shall do so within such period as the Deputy Commissioner may prescribe in that behalf.

Restoration of a village so attached

The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying

Disposal of surplus receipts.

[*—*] These words were substituted for the word 'Govt.' by section 4 of Regulation VI of 1906.

Sections 169-171.

all arrears and costs, but such surplus receipts, if any, of previous years shall be at the disposal of Government.

Village, etc.,
to vest in Gov-
ernment if
not redeemed
within twelve
years.

169. If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him, within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title or in any wise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of Proceedings.

to be stayed
on security
being given ;

170. Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty, and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Deputy Commissioner or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge of such jail, security in the form of Schedule D, satisfactory to the Deputy Commissioner, or to such other person or officer.

Or on the
amount de-
manded being
paid, under
protest.

And any persons against whom proceedings are taken under this chapter may pay the amount claimed, under protest, to the officer taking such proceedings, and upon such payment the proceedings shall be stayed, and the person, if in custody, shall be forthwith set at liberty.

Procedure in respect of Sales.

Procedure in
effecting
sales.

171. When any sale of either moveable or immoveable property is ordered under the provisions of this chapter, the Deputy Commissioner shall issue a proclamation in Kanarese of the intended sale, specifying the time and place of sale, and in the case of moveable property, whether the sale is subject to confirmation or not, and, when land paying revenue to Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Proclamation
of sale.

Such proclamation shall be made by beat of drum at the head-quarters of the taluk, and in the village in which

Sections 172-175.

the immoveable property is situate, if the sale be of immoveable property; if the sale be of moveable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

172. A written notice of the intended sale of immoveable property, and of the time and place thereof, shall be affixed in each of the following places, *viz.*, the office of the Deputy Commissioner of the district, the office of the Amildar or Deputy Amildar of the taluk in which the immoveable property is situate, the *chavadi* or some other public building in the village in which it is situate, and the defaulter's dwelling place. Notification of sale.

In the case of moveable property, the written notice shall be affixed in the Amildar's or Deputy Amildar's office, and in the *chavadi* or some other public building in the village in which such property was seized.

The Deputy Commissioner may also cause notice of any sale, whether of moveable or immoveable property, to be published in any other manner that he may deem fit.

173. Sales shall be made by auction by such persons as the Deputy Commissioner may direct. Sales by whom to be made.

No such sale shall take place on a general holiday recognized by Government, nor until after the expiration of at least thirty days in the case of immoveable property, or seven days in the case of moveable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding section. Time when sale may be made.

The sale may, from time to time, be postponed for any sufficient reason. Postponement of sale.

174. Nothing in the last three sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may, from time to time, be made by the Deputy Commissioner either generally or specially in that behalf. Sale of perishable articles.

175. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold, and all other charges legally due by him, at any time before the property is knocked down, to the person appointed under section 152 to receive payment of the land revenue due, or to the officer appointed to conduct When sale may be stayed.

Sections 176-180.

the sale, or if he furnish security under section 170, the sale shall be stayed.

Sales of moveable property when liable to confirmation.

176. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of moveable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed in orders to be made by the Deputy Commissioner either generally or specially in that behalf. In the case of sales made subject to confirmation, the Deputy Commissioner shall direct by whom such sales may be confirmed.

Mode of payment for moveable property when sale is concluded at once.

177. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Mode of payment for moveable property when sale is subject to confirmation.

178. When the sale of any moveable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or if the said day be an authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immoveable property.

179. In all cases of sale of immoveable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and, in default of such deposit, the property shall forthwith be again put up and sold.

Purchase money when to be paid.

180. The full amount of purchase money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immoveable property took place, or, if the said fifteenth day be an authorized

Sections 181-183A.

holiday, then before sunset of the first office day after such fifteenth day.

181. In default of payment within the prescribed period of the full amount of purchase money, whether of moveable or immoveable property, the deposit, after defraying thereout the expenses of the sale, shall * at the discretion of the Deputy Commissioner be liable to be forfeited to Government either wholly or in part * and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Effect of
default.

182. If the proceeds of the † resale which is held by reason of the purchaser's default † be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

Liability of
purchaser for
loss by resale.

183. Every resale of property in default of payment of the purchase money, or after postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

Notification
before resale.

‡ **183A.** (1) Any person owning or claiming any interest in immoveable property sold under this Regulation may, at any time within 30 days from the date of sale, deposit in the treasury of the taluk in which the immoveable property is situate—(a) a sum equal to 5 per centum of the purchase money and (b) a sum equal to the arrears of revenue for which the immoveable property was sold together with interest thereon and the expenses of attachment, management, and sale and other costs due in respect of such arrears; and may apply to the Deputy Commissioner to set aside the sale.

(2) If such deposit and application are made within 30 days from the date of sale, the Deputy Commissioner shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 5 per centum deposited by the applicant; provided that if more persons than one have made deposits and applied under this section, the application of the first depositor to the officer authorised to set aside the sale shall be accepted.

[*—*] Substituted for the original words by section 1 of Regulation II of 1916.

[†—†] Substituted for the original words by section 2 of Regulation II of 1906.

[‡] Added by Regulation V of 1926.

Sections 184-187.

(3) If a person applies, under Section 184, to set aside the sale of immoveable property, he shall not, unless he withdraws that application, be entitled to make or prosecute an application under this section

Application to
set aside sale.

184. At any time within thirty days from the date of the sale of immoveable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it; but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof.

If the application be allowed, the Deputy Commissioner shall set aside the sale, and direct a fresh one.

Order
confirming or
setting aside
sale.

185. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale:

Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing *and on such conditions as he may deem proper concerning the payment of interest on the money deposited or other compensation * set aside the sale.

Refund of
deposit or
purchase
money when
sale is set
aside.

186. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money, as the case may be.

On confirma-
tion of sale,
purchaser to
be put in
possession.
Certificate of
purchase.

187. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the land included in such occupancy or alienated holding, and shall cause his name to be entered in the revenue records as occupant or holder in lieu of that of the defaulter, and shall grant him a

Sections 187A-192.

certificate to the effect that he has purchased the occupancy or alienated holding to which the certificate refers.

* **187A.** Where any lawful purchaser of immoveable property sold under section 161 or by the operation of section 193 is resisted or obstructed by any person in obtaining possession of the property, he may make an application together with the certificate of sale granted under section 187 to the Civil Court having jurisdiction over the property, complaining of such resistance or obstruction. Such Court shall proceed to investigate the matter as if the property were purchased by the applicant at a sale held by that Court.

188. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser, and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed.

Bar of suit
against
certified
purchaser.

189. When any sale of moveable property under this chapter has become absolute, and when any sale of immoveable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale and recoverable as an arrear of land revenue ;

Application
of proceeds
of sale.

and the surplus, if any, shall be paid to the person whose property has been sold.

The expense of the sale shall be estimated at such rates and according to such rules as may, from time to time, be sanctioned by † the Revenue Commissioner under the orders of Government.†

Expense of
sale how
calculated.

190. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

Surplus not to
be paid to
creditors
except under
order of court.

191. The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land revenue becoming due in respect of such land subsequently to the date of sale.

Liability of
purchaser for
revenue.

192. If any claim shall be set up by a third person to moveable property attached under the provisions of

Claims to
attached
moveable
property how
to be disposed
of.

[*] Added by section 10 of Regulation XVII of 1928.

[†—†] Substituted for the word 'Government' by Section 11 of Regulation VI of 1906,

Sections 193-193A.

this chapter, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Application of the provisions of this Chapter.

What moneys
leviable under
the provisions
of this
chapter.

193. All sums due on account of the land revenue, all quit-rents, and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, costs and interest payable or leviable under this Regulation or under any Act, rule or order hereby repealed, or under any Act or Regulation for the time being in force relating to land revenue* and all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be recoverable as a revenue demand or arrear of land revenue ;*

and all moneys due by any contractor for the farm of customs duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties, to which any such contractor renders himself liable under the terms of his agreement ;

and also all sums declared by this Regulation or by any other law at the time being in force to be leviable as assessment, or as a revenue demand or as an arrear of land revenue ;

shall be levied under the foregoing provisions of this chapter.

On resump-
tion of farm
no payment
to contractor
in advance to
be admitted.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payment which he may have made to the contractor in anticipation.

Sureties liable
as revenue
defaulters.

† † † † †

§ 193A. It shall be lawful for a Deputy Commissioner to proceed to recover under the provisions of this chapter any arrear of land revenue or any sum recoverable as such, accruing in and payable to the Collector of the Civil and Military Station, Bangalore, under any law for the time being in force, as if the demand arose in his own district.

[*—*] Inserted by Regulation VI of 1905.

† This para was repealed by Regulation VI of 1905.

§ Added to by Regulation XIII of 1923.

Sections 194-196.

A statement of accounts certified by the Collector of the said Civil and Military Station, shall for the purposes of this Chapter, be conclusive evidence of the existence of the arrear, of the amount due, and of the person who is the defaulter.

194. The Government may, from time to time, prescribe rules as to advances to be made to the holders of arable land for the relief of distress, the purchase of seed or cattle, or, any other purpose not specified in * the Land Improvement Loans Regulation, 1890, * but connected with agricultural objects.

Power of Government to make rules as to advances made.

Every such advance shall, when it becomes due, be recoverable, with the interest, if any, accrued due thereon, from the person to whom such advance was made, or from any person who had become surety for the repayment thereof, as if it were an arrear of land revenue due by the person to whom the advance was made or by his surety.

CHAPTER XII.

PROCEDURE OF REVENUE OFFICERS.

195. In all official acts and proceedings, a revenue officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

Subordination of revenue officers.

196. (1) Every revenue officer not lower in rank than a Deputy Amildar, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make.

Power to summon persons to give evidence and produce documents.

A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

(2) Any person so summoned shall be bound to attend either in person or by an authorized agent as directed in the summons, and, when the summons directs

[*—*] Substituted for "the Land Improvement Act, 1871," *vide* Regulation IV of 1890, section 2 (2).

Sections 197-199.

the production of a document or thing, to cause its production.

Any person summoned merely to produce a document or other thing shall be deemed to have complied with the summons by causing the production of such document or thing instead of attending personally to produce the same.

(3) And all persons summoned to attend shall be bound to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required.

Witness may be examined on commission under certain circumstances.

197. When the person whose evidence may be required is unable from sickness or infirmity to attend before the officer issuing the summons, or is a person whom, by reason of rank or sex, it may not be proper to summon, the officer issuing the summons may, of his own motion or on the application of the party whose evidence is desired, dispense with the appearance of such person, and order him to be examined by a subordinate deputed by such officer for the purpose.

Summons to be in writing, signed and sealed.

198. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he have a seal, shall also bear his seal; it shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes.

How to be served.

It shall be served by tendering or delivering a copy of it to the person summoned, or if he cannot be bound by leaving a copy of it with some adult member of his family residing with him, or by affixing a copy of it to some conspicuous part of his usual residence.

Service in district other than that of issue.

If his usual residence be in another district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with the preceding clause of this section.

Mode of serving notice.

199. Every notice under this Regulation, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served, or to his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

Sections 200-203.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

200. In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, section 160.

Procedure for procuring attendance of witnesses.

Formal Inquiry.

201. In all formal inquiries, the evidence shall be taken down in full, in writing, in Kanarese, by, or in the presence and hearing and under the personal superintendence and direction of, the officer making the investigation or inquiry, and shall be signed by him.

Mode of taking evidence in formal inquiries.

In cases in which the evidence is not taken down in full in writing by the officer making the inquiry, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in Kanarese shall be made and shall form part of the record.

Taking evidence given in English. Translation to be on record.

202. Every decision, after a formal inquiry, shall be written by the officer passing the same in his own handwriting, and shall contain a full statement of the grounds on which it is passed.

Writing and explanation of decisions.

Summary Inquiry.

203. In summary inquiries, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in Kanarese, embracing the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the same:

Summary inquiries how to be conducted.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Regulation

Proviso.

Sections 204-208.

to be summary under all or any of the rules applicable to a formal inquiry, if he deem fit.

Formal and summary inquiries to be deemed judicial proceedings.

204. A formal or summary inquiry under this regulation shall be deemed to be a "judicial proceeding" within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed a Civil Court for the purposes of such inquiry.

Hearing and decisions. Notice to parties.

Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorized agents shall have due notice to attend.

Ordinary inquiries how to be conducted.

205. An inquiry which this Regulation does not require to be either formal or summary, or which any revenue officer may, on any occasion, deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Government, or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Copies and translations, etc., how to be obtained.

206. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders and the reasons therefor, and of exhibits, shall be furnished to the parties, and original documents used as evidence shall be restored to the persons who produced them or to persons claiming under them, on due application being made for the same, subject to such charges for copying, etc., as may, from time to time, be authorized by Government.

Arrest of defaulter to be made upon warrant.

207. Whenever it is provided by this Regulation, that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power of revenue officer to enter upon any land or premises for purpose of measurement, etc.

208. It shall be lawful for any revenue officer, at any time, from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other

Section 209.

purpose connected with the lawful exercise of the office under the provisions of the Regulation, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to Government or private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same :

Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry, and provided also that, in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers. Proviso.

209. Whenever it is provided by this Regulation, or by any other law for the time being in force, that the Deputy Commissioner may or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, *viz.*—

Deputy Commissioner how to proceed in order to evict any person wrongfully in possession of land.

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and

if such notice is not obeyed, by removing, or deputing a subordinate to remove, any person who may refuse to vacate the same ; and

if the officer removing any such person shall be resisted or obstructed by any person, the Deputy Commissioner shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person and, on his appearance, commit him to close custody in the office of the Deputy Commissioner or any Amildar or Deputy Amildar, or send him with a warrant, in the form of Schedule H, for imprisonment, in the civil jail of the district for such period, not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

Sections 210-211.

CHAPTER XIII.

APPEALS AND REVISION.

Appeal to lie from any order passed by a revenue officer to his superior.

210. (1) In the absence of any express provision of this Regulation or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue officer under this Regulation, or any other law for the time being in force, to that officer's immediate superior authority, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

*(1A) Where Government have issued a commission to any holder of alienated lands under section 99, an appeal shall lie from any decision or order, passed by such holder in exercise of the powers conferred upon him,

(i) to the Assistant Commissioner of the Sub-Division in which the alienated land is situate, when the holder exercises the powers of an Amildar, and

(ii) to the Deputy Commissioner of the District when the holder exercises the powers of the Deputy Commissioner.

Appeal from Revenue Commissioner's appellate decisions to be limited to certain points

† (2) No appeal shall lie to Government from an appellate decision or order passed by the Revenue Commissioner except on a point of law or usage having the force of law.

Period within which appeals must be brought.

‡ **210A.** Notwithstanding anything contained in this Regulation, the Government may at any stage withdraw any appeal or class of appeals pending before the Revenue Commissioner, and dispose of the same, or retransfer the same for disposal to the Revenue Commissioner.

211. No appeal shall be brought after the expiration of thirty days if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner or a Superintendent of Survey in their respective departments, nor after the expiration of ninety days in any other case.

Power to Government to withdraw appeals from the Revenue Commissioner.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

* Added by Section 11 of Regulation XVII of 1928.

† This sub section was added by Section 13 of Regulation VI of 1906.

‡ Added by Regulation I of 1909.

Sections 212-217.

212. Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the authority to which he appeals that he had sufficient cause for not presenting the appeal within such period.

Admission
appeal after
period of limi-
tation.

No appeal shall lie against an order passed under this section admitting an appeal.

213. Whenever the last day of any period provided in this chapter for the presentation of an appeal falls on a holiday recognized by Government, the day next following the close of the holiday shall be deemed to be such last day.

Provision
where last day
for appeal
falls on a
holiday.

214. Every petition of appeal shall be accompanied by the decision or order appealed against, or by an authenticated copy of the same.

Copy of order
to accompany
petition of
appeal.

215. The appellate authority may either annul, reverse, modify or confirm the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or take such additional evidence as he may think necessary, or he may himself take such additional evidence.

Powers of
appellate
authority.

216. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer to be suspended.

Power to sus-
pend execu-
tion of order
of subordinate
officer.

217. The Government and any revenue officer not inferior in rank to a Deputy Commissioner or a Superintendent of Survey, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any revenue officer subordinate to it or him, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

Power to call
for and
examine the
records and
proceedings of
subordinate
officers.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held, namely—an Assistant Commissioner, an Amildar, a Deputy Amildar, an Assistant Superintendent of Survey and an Assistant Settlement Officer.

If, in any case, it shall appear to the Government or to such officer as aforesaid, that any decision or order or

And to pass
orders there-
upon.

Sections 218-221.

proceedings so called for should be modified, annulled or reversed, the Government or such officer may pass such order thereon as it or he deems fit.

Rules as to
decisions or
orders ex-
pressly made
final.

218. Whenever in this Regulation it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order.

The Government alone shall be competent to modify, annul, or reverse, any such decision or order under the provisions of the last preceding section.

CHAPTER XIV.

REVENUE JURISDICTION.

Interpreta-
tion clause.

"Land."

"Land
Revenue.

Saving of pro-
visions of
Pensions Act.

Bar of certain
suits.

219. In this chapter, unless there be something repugnant in the subject or context,—

"land" includes the sites of villages, towns and cities; it also includes trees, growing crops and grass, fruit upon and juice in, trees, rights of way, ferries and fisheries;

"land revenue" means all sums and payments in money or in kind received or claimable by, or on behalf of, Government, from any person, on account of land held by, or vested in, him, and any cess or rate authorized by Government under the provisions of any law for the time being in force.

220. Nothing in this chapter shall affect any of the provisions of Act XXIII of 1871 (The Pensions Act).

221. Subject to the exceptions hereinafter appearing, and except as hereinbefore expressly provided, no Civil Court shall exercise jurisdiction as to any of the following matters:—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognized by Government or of any other village officer or servant; or

claims to perform the duties of any such officer or servant or in respect of any injury caused by exclusion from such office or service; or

suits to set aside or avoid any order relating to such office or service or such officer or servant, which may be passed by Government, or any officer duly authorised in that behalf; or

Section 221.

claims against Government relating to lands declared by Government, or any officer duly authorized in that behalf, to be held for any service whatsoever ;

(b) objections—

to the amount or incidence of any assessment of land revenue authorized by Government, or to the mode of assessment, or to the principle on which such assessment is fixed ; or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement ;

(c) claims connected with or arising out of any proceedings for the realization of land revenue, or the rendering of assistance by Government, or any officer duly authorized in that behalf, to superior holders for the recovery of their dues from inferior holders ; or

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land revenue ;

(d) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land revenue, or as superior holder, inferior holder, occupant or tenant ; or

(2) to have any entry made in any record of a revenue survey or settlement ; or

(3) to have any such entry either omitted or amended :

(e) the distribution of land or allotment of land revenue on partition of any estate under Bombay Act IV of 1868, or under this Regulation, or under any other law for the time being in force ;

(f) claims against Government to hold land wholly or partially free from payment of land revenue ; or

to receive payments charged on or payable out of the land revenue ; or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force ; or

respecting the occupation of waste or vacant land belonging to Government ;

(g) claims regarding boundaries fixed under Bombay Act I of 1865 or under this Regulation, or under any other law for the time being in force ;

Section 221.

or to set aside any order passed by a competent officer under any such law with regard to boundary marks.

Proviso.

Provided that if any person claim to hold land wholly or partially exempt from payment of land revenue under—

(h) any enactment or rules having the force of law for the time being in force expressly creating an exemption not before existing in favour of an individual, or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) any written grant from the Government expressly creating or confirming such exemption,

such claim shall be cognizable in the Civil Courts.

Illustrations to (h).

(1) It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(2) It is enacted that land revenue shall not be leviable from any land held and entered in the land register as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him and is so entered in the land register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(3) It is enacted that the Deputy Commissioner shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(4) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

(5) It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The

Sections 222-223.

proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

222. Nothing in the preceding section shall be held to prevent the Civil Courts from entertaining the following suits :—

Saving of certain suits.

(a) suits against Government to contest the amount claimed or paid under protest, or recovered as land revenue, on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had, previous to such claim, payment, or recovery, been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount ;

(b) suits between private parties for the purpose of establishing any private right although it may be affected by any entry in any record of a revenue survey or settlement, or in any village papers ;

(c) suits between superior holders and inferior holders relating to matters not otherwise expressly provided for by the Regulation.

And nothing in clause (g) of the preceding section shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

223. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done or ordered to be done by them as such, in pursuance of the provisions of any law for the time being in force.

Bar of certain suits against revenue officers.

If any revenue officer absconds or does not attend when called on by his official superior, and if the Deputy Commissioner of the district proceeds against him or his sureties for public money, papers or property, according to the provisions of this Regulation, or of any law for the time being in force, such Deputy Commissioner shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

Sections 224-227.

Punishment
or prosecution
of revenue
officer, no bar
to civil reme-
dies.

224. Nothing in any law for the time being in force, which authorizes the punishment departmentally of any revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

Suits not to be
entertained
unless
plaintiff
has exhausted
right of
appeal.

225. No Civil Court shall entertain any suit against Government on account of any act or omission of any revenue officer, unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

Power of Gov-
ernment to re-
fer questions
for decision of
Chief Court.

226. If in the trial or investigation of any suit, claim or objection which, but for the provisions of this chapter, might have been tried or investigated by a Civil Court, or in any appeal against orders passed in such trial or investigation, there arises any question on which the Government, whether upon its own motion, or upon the recommendation of the Deputy Commissioner, or upon the application of the party interested, desires to have the decision of the *High Court, the Government may cause a statement of the question to be prepared, and may refer such question for the decision of the *High Court.

The *High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the *High Court in person, or by their Advocates or Pleaders.*

The *High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and the case shall be disposed of conformably to such decision.

If the *High Court considers that any such statement is imperfectly framed, the *High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the *High Court in each case directs.

Power of Civil
judge to refer
questions of
Jurisdiction to
Chief Court.

227. If, in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this chapter from taking cognizance of the suit or appeal, he may refer the matter to the *High Court.

* Substituted for the words "Chief Court". *Vide* Regulation XII of 1980.

Sections 228-232.

The *High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the *High Court on any such reference shall be final.

228. If the *High Court consists of three or more Judges, every reference under section 226 or 227 shall be heard by a Bench consisting of such number of Judges not less than three as the Chief Justice† from time to time directs.

Composition
of Bench.

229. No Munsiff, Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party; but in every such case, such Munsiff, Judge or Court shall refer the plaintiff to the District Judge in whose Court alone such suit shall be instituted.

Reference of
Government
suits to Dis-
trict Judge.

230. Whenever any suit is brought in any District Court against Government or against any revenue officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by a certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court, and the Court shall give effect to every such requirement.

Privileges of
Government
in suits de-
fended by it.

The privilege conferred on the Government by this section shall *mutatis mutandis* apply to any appeal or second appeal against any decree in any such suit as is described in this section.

CHAPTER XV.

MISCELLANEOUS.

231. All the provisions of this Regulation relating to alienated villages shall apply to *kayamgutta* villages, *i.e.*, villages held on an assessment permanently fixed.

Applicability
to *kayam-
gutta* villages
of provisions
relating to
alienated
villages.

232. Subject to such rules and the payment of such fees as the Government may from time to time prescribe in this behalf, all maps and survey records, and all village accounts and land registers, shall be open to the inspection of the public at reasonable hours, and certified extracts from such maps, registers and accounts, or certified copies thereof, shall be given to all persons applying for the same.

Maps and
land registers
and village
accounts, etc.,
open to inspec-
tion.

* Substituted for the words "Chief Court". *Vide* Regulation XII of 1930.

† Substituted for the words "Chief Court". *Vide* Regulation XII of 1930

Sections 233-234.

Power of
Government
to frame rules.

233. The Government may, from time to time make, and, from time to time, vary, or rescind, rules or orders not inconsistent with this Regulation---

(a) determining the qualifications to be required of all members of establishments appointed under section 20;

(b) regulating the power of fining, reducing, suspending and dismissing revenue officers under section 31;

(c) for the disposal of unoccupied Government lands under section 36;

(d) for the disposal of trees, not the property of the occupant, under section 41;

(e) prescribing the purposes to which land liable to the payment of land revenue may be appropriated under section 48;

(f) regulating the system and manner of assessing land to the land revenue under sections 50 and 111;

(g) for the disposal of forfeited occupancies or alienated holdings under section 54, and of relinquished holdings under section 71;

(h) regulating the grant of permission to occupy unoccupied land under section 58;

(i) fixing the maximum amount of fine leviable under section 59 when land, which has been unauthorizedly occupied, is appropriated to any non-agricultural purpose;

(j) for the disposal of the occupancy of alluvial land under section 61;

(k) for the administration of any survey settlement;

(l) for the disposal of building sites under section 135;

(m) prescribing the mode, form and manner in which appeals under Chapter XIII of this Regulation shall be drawn up and presented;

(n) generally for the guidance of all persons in matters connected with the enforcement of this Regulation, or in cases not expressly provided for therein.

§ 3. Rules or orders made under any of the above clauses (e), (f), (g), (h), (i), (l), or (n), may be made either generally or in any particular instance.

Certain rules
to be pub-
lished.

234. All general rules or orders made by the Government under the last preceding section shall be published

Sections 235-236.

and when published shall, until cancelled or amended, have the force of law.

235. It shall be lawful for the Government, in making any such general rule, to attach to the breach of it, in addition to any other consequences which would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment of either description within the meaning of the Indian Penal Code, or five hundred rupees fine, or both.

Power to provide for penalties.

236. Save as is otherwise provided in section 120 and hereinafter in this section, the provisions of Chapters VIII to X of this Regulation shall not be applied to any alienated or *kayamgutta* village except for the purposes of fixing the boundaries of any such village, or any quit-rent or any local or irrigation cesses payable by such village, and of determining any disputes relating thereto.

Chapters VIII to X how far applicable to alienated villages.

But the provisions of the said chapters shall be applicable to—

(a) all unalienated lands situated within the limits of an alienated village ;

(b) villages of which a definite share is alienated, but of which the remaining share is unalienated ;

(c) alienated villages, the holders of which are entitled to a certain amount of the revenue, but of which the excess, if any, above such amount, belongs to Government.

*But it shall be lawful for the Government to direct that a survey be made by a revenue officer in respect of any alienated or *kayamgutta* village, and where such survey has been made, that a settlement be introduced in that village, on the application of holders of alienated land holding in the aggregate not less than half the shares in such village or on the application of tenants holding interest in not less than half the occupied lands subject to such rules as the Government may frame in respect of the apportionment of the cost of the survey and settlement :

Provided that when the application is by tenants, the Revenue Commissioner shall call upon the holder of the village to show cause why settlement should not be introduced into the village, and on hearing his objections,

Sections 237-239.

if any, shall pass such orders as he deems fit; within three months of the date of such order an appeal may be preferred to the Government whose decision shall be final.

Occupation in
alienated or
kayamgutta
villages.

237. When a survey settlement has been introduced, under the provisions of the last section or of any law for the time being in force, into an alienated or kayamgutta village, the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have or are affected by, under the provisions of this Regulation, and all the provisions of this Regulation, relating to occupants and registered occupants, shall be applicable, so far as may be, to them.

* Provided that when a survey settlement is introduced into an alienated or kayamgutta village on the application of tenants under the preceding section, the holders of lands therein, if they are tenants, other than kadim tenants, shall remain as tenants and shall not become occupants.*

Construction
of this Regu-
lation.

238. Nothing in this Regulation which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land, or of Government in respect of any such land, and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Regulation in terms relating to unalienated land only.

Savings of
power of Gov-
ernment to
levy tax, cess
or rate.

239. Nothing in this Regulation shall be deemed to affect the power of the Government to direct by law the levy of any tax, cess, or rate, on all lands under whatever title they may be held when ever and so long as the exigencies of the State may render such levy necessary.

Schedules.

SCHEDULE A.

(Section 2.)

1. Notification of the Government of India No. 83, dated Simla, the 30th April 1869, introducing into the territories of Mysore, Bombay Acts I of 1865, and IV of 1868.

2. Notification of the Government of India No. 254, dated 27th August 1869, applying to the territories of Mysore the provisions of Madras Act III of 1869.

3. Notification of the Government of India No. 123, dated the 24th June 1872, regarding the powers of Revenue Courts in the investigation of judicial cases.

4. Rules relating to recovery of rent by proprietors of *sarva-manyam jodi* and *kayamgutta* villages, published with the late Chief Commissioner's Notification at page 87 of the *Mysore Gazette*, dated 1st May 1869, as altered by the late Chief Commissioner's Notification No. 180, dated the 3rd August 1871.

5. Notification of the late Commissioner relating to the rights of raiyats of Inam village, dated 25th October 1843.

6. The late Commissioner's Circular Order No. 522-3, dated 8th June 1864.

SCHEDULE B.

FORM OF BOND TO BE REQUIRED UNDER SECTION 22.

Whereas I, _____ inhabitant of _____, have been appointed to the office of _____ and have been called upon to furnish security under the provisions of section 22 of the Mysore Land Revenue Regulation for the due discharge of the trusts of the said office or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office, I hereby bind myself to pay to the Government of Mysore the amount of any loss or defalcation in my accounts, and to deliver up any papers or within such time and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence, and in case of my making default therein I bind myself to forfeit to the Government of Mysore the sum of _____ Rupees

Dated _____

(Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE
PRINCIPAL.

We _____ hereby declare ourselves sureties for the abovesaid _____ that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore such sum as shall be deemed sufficient by the _____ to cover any loss or damage which the Government may sustain by reason of such default.

Dated _____

(Signature)

Schedules.

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER
UNDER SECTION 24 OR 163.

(Seal)

To

The Officer Incharge of the Civil Jail at

Whereas A. B. of _____ was on the _____ day of _____ 19 _____, ordered by _____ to (*here state the substance of the demand made*); and whereas the said A. B. has neglected to comply with the said order, and it has therefore been directed, under the provisions of section 24 or 163 of the Mysore Land Revenue Regulation, that he be imprisoned in the Civil Jail until he obeys the said order or until he obtains his discharge under the provisions of section 24 or 27 (*or section 163 or 170 as the case may be*) of the said Regulation; you are hereby required to receive the said A. B. into the Jail under your charge and to carry the aforesaid order into execution according to law.

Dated this _____ day of _____ 18 _____ .
_____ (Signature)

SCHEDULE D.

FORM OF BOND TO BE REQUIRED UNDER SECTION 27, 103
OR 170.

Whereas I, _____ have been ordered by _____ to (*here state the nature of the demand*) _____ and whereas I dispute the right of the said _____ to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of _____ to contest the justice of the demand, and do agree that, in the event of a decree being passed against me, I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the abovementioned amount of _____ Rupees (*or will deliver up the abovementioned paper or property as the case may be*), and in the case of my making default therein, I hereby bind myself to forfeit to the Government of Mysore the sum of _____ Rupees.

Dated _____
_____ (Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE
PRINCIPAL.

We _____ hereby declare ourselves securities for the above said _____ that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore the sum of _____ Rupees.

Dated _____ (Signature)

Schedules.

SCHEDULE E.

*(See section 80)*I.—FORM OF NOTICE TO BE GIVEN BY LANDLORD TO TENANT
TO QUIT.

To

A. B.

I do hereby give you notice that I do intend to enter upon, and take possession of the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year terminating on the of 18 ,

Dated this day of 18 .

(Signed) C. D.

I.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LANDLORD
OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you at the end of this current year, terminating on the of 18 , the land (*here give description*) which I hold from you.

Dated this day of 18 .

(Signed) A.B.

SCHEDULE F.

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIENATED
LANDS OR ALIENATED OR KAYAMGUTTA VILLAGES OR HIS
AGENT UNDER SECTION 99.

(Seal)

The Government, by virtue of the power vested in it by the Mysore Land Revenue Regulation, is pleased to confer on you (*Jahgirdar, etc., or agent, etc., as the case may be*), power to in (or in respect of) the villages and lands specified in this commission, in the manner prescribed in section 99 of the said Regulation.

The villages and lands over which the power thus conferred upon you extends, are as follows :—

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Government of Mysore.

(Signed)

Schedules.

SCHEDULE G.

(See Section 137.)

FORM OF SANNAD FOR BUILDING SITES.

(Seal)

THE GOVERNMENT of MYSORE,

To

Whereas the Government of Mysore, with a view to the settlement of the land revenue and the record and preservation of proprietary and other rights connected with the soil, has, under the provisions of the Mysore Land Revenue Regulation, directed a survey of the lands within the—of—and ordered the necessary inquiries connected therewith to be made, this Sannad is issued under section 137 of the said Regulation to the effect that—

There is a certain plot of ground occupied by you in the division of the of registered No. in the map marked sheet No. and facing towards the the road leading from to—containing about square yards, and of the following shape and about the following dimensions:—

You are hereby confirmed in the occupancy of the above described ground, exempt from all land revenue (or subject to the payment of Rs. per annum to the land revenue).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the Government of Mysore without any objection or question as to title, to whosoever shall, from time to time be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Mysore Land Revenue Regulation or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law, from time to time, in force as to the time and manner of payment of the said assessment and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

This Sannad is executed on behalf of the Government of Mysore by me this day of one thousand eight hundred and A.D.

(Signed)

SCHEDULE H.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 209.

(Seal)

To

The officer in charge of the Civil Jail at

Whereas A. B. of has resisted (or obstructed) C.D. in removing E. F. (or himself, that is the said A. B.) from certain land in

*Schedules.*SCHEDULE H—*concl'd.*

the village of in the Taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction (or resistance) to commit the said A.B. to close custody; You are hereby required, under the provisions of section 209 of the Mysore Land Revenue Regulation, to receive the said A.B. into the Jail under your charge, and there to keep him in safe custody for days.

Dated this day of 188 .

(Signature)

SCHEDULE I.

(REPEALED BY SECTION 14 OF REGULATION VI OF 1906.)

REGULATION No. II OF 1890.

(PASSED ON THE 13TH DAY OF JUNE 1890.)

**A Regulation to amend the Mysore * High Court *
Regulation, I of 1884.**

WHEREAS it is expedient to amend the Mysore *High Court* Regulation, 1884, in certain respects, His Highness the Maharaja is pleased to enact that the following shall be substituted for sections 12, 13, 14, 15 and 16 of the said Regulation :—

Ordinary original civil and criminal jurisdiction of *High Court.*

“12. (1) The Government of Mysore may, whenever it deems fit, confer upon the *High Court,* by notification in the official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the said Government may, from time to time, declare and appoint in that behalf.

“(2) The said Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the *High Court* under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

“(3) The local limits within which ordinary original civil jurisdiction is conferred upon the *High Court* under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure

“(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the *High Court* under this section shall be deemed to be a Sessions Division within the meaning of the Code of Criminal Procedure.

“(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the *High Court* under section 12, the *High Court* shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under “The Mysore Civil Courts Regulation, 1883.”

— The words ‘High Court’ were substituted for the words “Chief Court” by Regulation XII of 1930.

Section 1.

“(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the *High Court* under section 12, the *High Court* shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure.”

“13. Appeals against, references regarding, and applications for, revision of judgments, decrees, orders, or sentences passed by a Judge of the *High Court,* in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12, or vested in it under any law for the time being in force shall, when allowed by law be heard either by a Bench consisting of two other Judges of the High Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the Official Gazette, from time to time, direct. When there arises a difference of opinion between the two Judges composing a Bench hearing any appeal, reference or application under this section, the decision shall, notwithstanding anything contained in section 15 of this Regulation, or section 575 of the Code of Civil Procedure, or section 429 of the Code of Criminal Procedure, follow the original judgment, decree, order or sentence.”

Appeals, &c., from decisions of High Court in exercise of original jurisdiction.

“14. (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the said Government may from time to time declare and appoint, confer upon the *High Court,* by notification published in the official Gazette, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, from judgments, orders, decrees, or sentences, passed by any subordinate Court, civil or criminal, within the local limits aforesaid.

High Court's jurisdiction to hear and decide appeals from judgments, &c., of subordinate Courts.

“(2) During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the *High Court* shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily vest, except as regards cases of appeals which may be transferred by the *High

*- * The words 'High Court' were substituted for the words "Chief Court" by Regulation XII of 1930.

Section 1.

Court* for hearing and disposal by such District Court or Court of Session.

“(3) The Government of Mysore may, whenever it deems fit, by notification published in the Official Gazette, withdraw any appellate jurisdiction conferred upon the *High Court* under this section.”

Appeals other than those under section 18 to be heard by a Bench of Judges.

“15. (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the *High Court* under any law for the time being in force, as well as all cases referred to the *High Court* for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court.

“(2) Any Bench of Judges of the *High Court* may refer to a full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility of any evidence in any proceeding pending before it, on which there is no further appeal under the law for the time being in force.

“(3) The decision of the majority of Judges comprising any Full Bench of the *High Court* or other Bench of the said Court consisting of not less than three Judges shall be the decision of the *High Court.* †When a Bench of the *High Court* consists of only two Judges and there is a difference of opinion between such Judges on any material question pending before it, such question shall be disposed of in the manner prescribed in sec. 98 of the Civil Procedure Code, or Sec. 429 of the Criminal Procedure Code, as the case may be or, at the discretion of either of the Judges composing the Bench, it shall be referred to a Full Bench and the decision of the majority of the judges on such Full Bench shall be the decision of the *High Court.*”

Power of *High Court* to transfer cases pending before it.

“16. The *High Court* may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Regulation.”

*- * The words ‘High Court’ were substituted for the words ‘Chief Court’ by Regulation XII of 1980

† Substituted for the second sentence in Sub section 3 of Sec. 15 by Regn. III of 1911.

REGULATION No. III OF 1890.

(PASSED ON THE 10TH DAY OF NOVEMBER 1890.)

A Regulation to declare the imperial standard Yard for the United Kingdom to be the legal standard Measure of Length in the territories of Mysore.

WHEREAS it is expedient to declare the imperial standard yard for the United Kingdom to be the legal standard measure of length in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the “Measures of Length Regulation, 1890.” Title.

(2) It extends to the whole of the territories of Mysore; and Extent and

* (3) It shall come into force on such date as the Government of Mysore may, by notification in the official Gazette, appoint in this behalf. Commence-
ment.

2. The imperial standard yard for the United Kingdom shall be the legal standard measure of length in the territories of Mysore and be called the standard yard. Standard
yard.

3. A copy, approved by His Highness the Maharaja, of the imperial standard for determining the length of the imperial standard yard for the United Kingdom, shall be kept in such place within the limits of the Town of Mysore as His Highness the Maharaja may prescribe, and shall be the standard for determining the length of the standard yard. Measure for
determining
length of
standard
yard.

4. One-third part of the standard yard shall be called a standard foot, and one thirty-sixth part of such a yard shall be called a standard inch. Standard foot
and inch.

5. Any measure having stamped thereon or affixed thereto a certificate purporting to be made under the authority of the Government of Mysore and stating that the measure is of the length of the standard yard or that a measure marked thereon as a foot or inch is of the length of the standard foot or standard inch as the case Presumption
in favour of
accuracy of
certified
measures.

* This Regulation came into force on the 10th April 1893, *vide* Legislative Department Notification No. 1, dated the 15th April 1893, printed at page 214, Part I, Mysore Gazette, 1893.

Sections 6-7.

may be, shall, when produced before any court by any public servant having charge of the measure in pursuance of any direction published in the official Gazette by order of the Government of Mysore, or by any person acting under the general or special authority of such a public servant, be deemed to be correct until its inaccuracy is proved.

Inspection of
certified
measures by
the public.

6. A public servant having in pursuance of such a direction charge of such a measure as is mentioned in the last foregoing section shall allow any person to inspect it free of charge at all reasonable times and to compare therewith or with any measure marked thereon any measure which such person may have in his possession.

Certified
measures to
be kept by
the District
Magistrate.

7. There shall be kept by the District Magistrate of each District such certified measures of the standard yard, standard foot and standard inch as are mentioned in section 5.

REGULATION No. IV OF 1890.

(PASSED ON THE 10TH DAY OF NOVEMBER 1890.)

A Regulation to consolidate and amend the law relating to Loans of Money by the Government of Mysore for Agricultural Improvements.

WHEREAS it is expedient to consolidate and amend the law relating to loans of money by the Government of Mysore for agricultural improvements; His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the “Land Improvement Loans Regulation, 1890.” Short title.
- (2) It extends to the whole of the territories of Mysore; and Local extent.
- * (3) It shall come into force on the date of the passing thereof. Commence-
ment.
2. (1) The Land Improvement Act, 1871, and Act XXI of 1876 (An Act to amend the Land Improvement Act 1871), shall, except as regards the recovery of advances made before this Regulation comes into force and costs incurred by the Government of Mysore in respect of such advances, be repealed. Acts XXVI of
1871 and XXI
of 1876 repeal-
ed.
- (2) When, in any Act or notification, passed or issued before this Regulation comes into force, reference is made to either of those Acts, the reference shall, so far as may be practicable, be read as applying to this Regulation or the corresponding part of this Regulation.
3. In this Regulation “Deputy Commissioner” includes any officer empowered by the Government of Mysore by name or by virtue of his office to discharge the functions of a Deputy Commissioner under this Regulation. “ Deputy
Commis-
sioner ”
defined.
4. Subject to such rules as may be made under section 10, loans may be granted under this Regulation, by such officer as may, from time to time, be empowered in this behalf by the Government of Mysore, for the purpose of making any improvement, to any person having a right to make that improvement, or, with the consent of that person, to any other person. Purposes for
which loans
may be grant-
ed under this
Regulation.

* This clause was substituted for the original clause (8) by Regulation I of 1901

Sections 5-6.

(2, "Improvement" means any work which adds to the letting value of land, and includes the following, namely:—

- (a) the construction and repair of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;
- (b) the preparation of land for irrigation or cultivation;
- (c) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is culturable;
- (d) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;
- (e) the renewal or re-construction of any of the foregoing works or alterations therein or additions thereto; and
- (f) such other works as the Government of Mysore may, from time to time, by notification in the official Gazette, declare to be improvements for the purposes of this Regulation.

Mode of dealing with applications for loans;

5. (1) When an application for a loan is made under this Regulation, the officer to whom the application is made may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice, in such manner as the Government of Mysore may, from time to time, direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein and submit their objections.

(2) The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or overruling it:

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.

Period for repayment of loans.

6. (1) Every loan granted under this Regulation shall be made repayable in such manner and at such time as the Government may prescribe, or by instalments (in the form of an annuity or otherwise), within such period

Section 7.

from the date of the actual advance of the loan, or when the loan is advanced in instalments, * from the date of the advance of the last instalment actually paid, * as may, from time to time, be fixed by the rules made under this Regulation.

(2) The period fixed as aforesaid shall not ordinarily exceed thirty-five years.

(3) the Government of Mysore, in making the rules fixing the period, shall, in considering whether the period should extend to thirty-five years or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.

7. (1) Subject to such rules as may be made under section 10, all loans granted under this Regulation, all interest (if any) chargeable thereon, and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Deputy Commissioner in all or any of the following modes, namely:—

Recovery of loans.

(a) from the borrower as if they were arrears of land-revenue due by him;

(b) from his surety (if any) as if they were arrears of land-revenue due by him;

(c) out of the land for the benefit of which the loan has been granted, as if they were arrears of land-revenue due in respect of that land;

(d) out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due:

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

* These words in section 6 sub-section (1) were substituted for the original words by Regulation V of 1899, s. 2.

Sections 8-10.

(2) When any sum due on account of any such loan, interest or costs is paid to the Deputy Commissioner by a surety or an owner of property comprised in any collateral security or is recovered under sub-section (1) by the Deputy Commissioner from a surety or out of any such property, the Deputy Commissioner shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by sub-section (1).

(3) It shall be in the discretion of a Deputy Commissioner acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

Order granting loan conclusive on certain points.

8. A written order under the hand of an officer empowered to make loans under this Regulation granting a loan to, or with the consent of, a person mentioned therein, for the purpose of carrying out a work described therein, for the benefit of land specified therein, shall for the purposes of this Regulation, be conclusive evidence—

- (a) that the work described is an improvement within the meaning of this Regulation;
- (b) that the person mentioned had at the date of the order a right to make such an improvement; and
- (c) that the improvement is one benefiting the land specified.

Liability of joint borrowers as among themselves.

9. When a loan is made under this Regulation to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government of Mysore for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute:—

Power to make rules.

10. The Government of Mysore may, from time to time, by notification in the official Gazette, make rules

Sections 11-12.

consistent with this Regulation to provide for the following matters, namely;

- (a) the manner of making applications for loans;
- (b) the officers by whom loans may be granted;
- (c) the manner of conducting inquiries relative to applications for loans, and the powers to be exercised by officers conducting those inquiries;
- (d) the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;
- (e) the inspection of works for which loans have been granted;
- (f) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof shall be paid;
- (g) the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and
- (h) all other matters pertaining to the working of the Regulation.

11. When land is improved with the aid of a loan granted under this Regulation, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land.

Exemption of improvements from assessment to land-revenue

Provided as follows :—

- (1) where the improvement consists of the reclamation of waste land, or of the irrigation of land assessed at un-irrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rule to be framed by the Government of Mysore;
- (2) nothing in this section shall entitle any person to call in question any assessment of land-revenue otherwise than as it might have been called in question if this Regulation had not been passed.

12. *Repealed by Regulation I of 1903.*

REGULATION No. VI OF 1890.

(PASSED ON THE 5TH DAY OF DECEMBER 1890.)

Regulation to consolidate and amend the law relating to Arms, Ammunition and Military Stores.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to arms, ammunition and military stores; His Highness the Maharaja is pleased to enact as follows:—

*I. Preliminary.*Short title,
Local extent.

1. This Regulation may be called "The Mysore Arms Regulation, 1890," and it extends to the whole of the territories of Mysore.

Savings.

But nothing herein contained shall apply to the manufacture, conversion, sale, transport, bearing or possession of arms, ammunition or military stores by order of the Government, or by a public servant (a) or a member of either of the forces contributed by the Indian territorial Force Act, 1920 or the Auxiliary force Act, 1920 (a) in the course of his duty as such public servant or (a) member (a).

Commence-
ment.

2. This Regulation shall come into force at once.

Repeal of
enactments.

3. Act No. XI of 1871 (the Indian Arms Act, 1878) shall be repealed.

But all authorities and permissions given, licenses and exemptions granted, orders and appointments made, notifications published, and rules, conditions, and forms prescribed under that Act shall be deemed to be respectively given, granted, made, published and prescribed under this Regulation.

And all such authorities, permissions, licenses and exemptions shall, except as otherwise provided by this Regulation, continue in force for the periods for which they may have been given or granted respectively, or where no such period is expressly fixed, for one year from the date on which this Regulation comes into force, and shall then cease to have effect.

Sections 4-5.

4. In this Regulation unless there be something repugnant in the subject or context—

Interpreta-
tion-clause

“Cannon” includes also all howitzers, mortars, wall pieces, mitrailleuse and other ordnance and machine-guns, all parts of the same, and all carriages, platforms, and appliances for mounting, transporting and serving the same:

“Arms” includes fire-arms, bayonets, swords, daggers, spears, spear-heads and bows and arrows, also cannon and parts of arms, and machinery for manufacturing arms:

“Ammunition” includes also all articles specially designed for torpedo service and submarine mining, rockets, guncotton, dynamite, lithofracteur and other explosive or fulminating material, gunflints, gunwards, percussion caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpetre:

“Military stores” in any section of this Regulation as applied to any part of the territories of Mysore means any military stores to which the Government of Mysore may from time to time, by notification in the official Gazette specially extend such section in such part, and includes also all lead, sulphur, saltpetre and other material to which the Government of Mysore may from time to time so extend such section.

“License” means a license granted under this Regulation, and “licensed” means holding such license.

II. Manufacture, Conversion Sale and Transport.

5. No person shall manufacture, convert, or sell, or keep, offer or expose for sale, any arms ammunition or military stores except under a license and in the manner and to the extent permitted thereby.

Unlicensed
manufacture,
conversion
and sale
prohibited-

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 22 of this Regulation shall, without unnecessary delay, give to the Magistrate of the district or

Sections 6-9.

to the officer in charge of the nearest Police station notice of the sale and of the purchaser's name and address.

Power to prohibit transport.

6. The Government of Mysore may from time to time, by notification in the official Gazette—

(a) regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the territories of Mysore or any part thereof, either altogether or except under a license and to the extent and in the manner permitted by such license, and

(b) cancel any such notification.

Arrest of persons conveying arms, &c., under suspicious circumstances.

7. When any person is found carrying or conveying any arms, ammunition or military stores, whether covered by a license or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any person may without warrant apprehend him and take such arms, ammunition or military stores from him.

Procedure where arrest made by person not a Magistrate or a Police Officer.

Any person so apprehended and any arms, ammunition or military stores so taken by a person not being a Magistrate or Police officer shall be delivered over as soon as possible to a Police officer.

All persons apprehended by, or delivered to, a Police officer and all arms and ammunition seized by, or delivered to, any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

III. *Going armed and possessing arms, &c.*

Prohibition of going armed without license.

8. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

Unlicensed possession of fire-arms, &c.

9. No person shall have in his possession or under his control any cannon or fire-arms or any ammunition or military stores except under a license and in the manner and to the extent permitted thereby.

Sections 10-12.

10. In any place to which the Government of Mysore may, by notification in the official Gazette, specially extend this section, no person shall have in his possession any arms of any description except under a license and in the manner and to the extent permitted thereby.

Possession of arms of any description without license prohibited in certain places

11. Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license or by the issue of a notification under section 10, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest Police station.

Arms of which possession has become unlawful to be deposited at Police station.

If the owner of any thing deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to His Highness the Maharaja of Mysore.

IV. Licenses.

12. The Government of Mysore may from time to time, by notification in the official Gazette, make rules to determine the officers by whom, the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules among other matters—

Power to make rules as to license.

(a) fix the period for which such license shall continue in force;

(b) fix a fee payable by stamp or otherwise in respect of any such license granted other than a license for possession;

(c) direct that the holder of any such license other than a license for possession shall keep a record or account, in such form as the Government of Mysore may prescribe, of anything done under such license, and exhibit such record or account when called upon by an officer of Government to do so:

(d) empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a license of the description referred to in section 5;

Sections 13-14.

(e) direct that any such person shall exhibit the entire stock of arms, ammunition and military stores in his possession or under his control to any officer of Government so empowered; and

(f) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or military stores covered by the same when called upon by an officer of Government so to do.

Cancelling
and suspen-
sion of
license.

13. Any license may be cancelled or suspended—

(a) by the officer by whom the same was granted, or by any authority to which he may be subordinate, or by any Magistrate of a District within the local limits of whose jurisdiction the holder of such license may be, when for reasons to be recorded in writing, such officer, authority or Magistrate deems it necessary for the security of the public peace to cancel or suspend such license; or

(b) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Regulation, or against the rules made under this Regulation; and

the Government of Mysore may at its discretion, by a notification in the official Gazette, cancel or suspend all or any licenses throughout the whole or any portion of the territories of Mysore.

V. Penalties.

For breach of
sections 5, 6
and 8 to 12.

14. Whoever commits any of the following offences, (namely)—

(a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5;

(b) fails to give notice as required by the same section;

(c) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 6;

(d) goes armed in contravention of the provisions of section 8;

(e) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 9 or section 10;

Sections 15-18.

(*f*) intentionally makes any false entry in a record or account which, by a rule made under section 12, clause (*c*), he is required to keep;

(*g*) intentionally fails to exhibit anything which by a rule made under section 12, clause (*e*), he is required to exhibit; or

(*h*) fails to deposit arms, ammunition or military stores, as required by section 11,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

15. Whoever does any act mentioned in clause (*a*), (*c*) or (*e*) of section 14, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a Railway or to the servant of any public carrier,

For secret breaches of sections 5, 6, 9 and 10.

and whoever, on any search being made under section 20, conceals or attempts to conceal any arms, ammunition or military stores,

For concealing arms, etc.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

16. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 14 or section 15, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

For breach of license.

17. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same; or

For knowingly purchasing arms, etc., from unlicensed person.

delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

For delivering arms, etc., to person not authorised to possess them.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

18. Any person violating any rule made under this Regulation, and for the violation of which no penalty is provided by this Regulation, shall be punished with imprisonment for a term which may extend to one month,

Penalty for breach of rule.

Sections 19-22.

or with fine which may extend to two hundred rupees, or with both.

Power to confiscate.

19. When any person is convicted of an offence punishable under this Regulation committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

VI. Miscellaneous.

Search and seizure by Magistrate.

20. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose,

or that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace,

such Magistrate having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person, or in which such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate or by or in the presence of some officer specially empowered in this behalf by name or in virtue of his office by the Government of Mysore.

Seizure and detention by Government.

21. The Government of Mysore may at any time order or cause to be seized any arms, ammunition or military stores in the possession of any person notwithstanding that such person is behind to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

Power to exempt.

22. The Government of Mysore may from time to time, by notification published in the Official Gazette,—

(a) exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, or withdraw any part of the

Sections 23-26.

territories of Mysore from the operation of any prohibition or direction contained in this Regulation; and

(b) cancel any such notification and again subject the persons or things or the part of the territories of Mysore comprised therein to the operation of such prohibition or direction.

23. Every person aware of the commission of any offence punishable under this Regulation shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest Police officer or Magistrate, and

Information to be given regarding offences.

every person employed upon any Railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest Police officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Regulation has been or is being committed.

24. Where an offence punishable under section 14, clause (e), has been committed in any part of the territories of Mysore, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the District.

Sanction required to certain proceedings under section 14, clause (e).

25. Where a search is to be made under the Code of Criminal Procedure in the course of any proceedings instituted in respect of an offence punishable under section 14, clause (e), such search shall, notwithstanding anything contained in the said Code, be made in the presence of some officer specially appointed by name or in virtue of his office by the Government of Mysore in this behalf, and not otherwise.

Searches in the case of offences against section 14, clause (e), how conducted.

26. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation:

Operation of other law, not barred.

Provided that no person shall be punished twice for the same offence.

Sections 27-28.

Power to take
census of fire-
arms.

27. The Government of Mysore may from time to time, by notification in the Official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Notice and
limitation of
proceedings.

28. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Regulation, without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

REGULATION No. I of 1891.

PASSED ON THE 23RD DAY OF JUNE 1891.

A Regulation to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

1. In section 53 of the said Code after the words “by Government,” the words “or by a private person acting under the written authority of Government” shall be added.

REGULATION No. I OF 1892.

(PASSED ON THE 22ND DAY OF APRIL 1892.)

A Regulation to amend the Law relating to Fraudulent Marks on Merchandise.

Whereas it is expedient to amend the law relating to fraudulent marks on merchandise; His Highness the Maharaja is pleased to enact as follows:—

Title, extent
and com-
mencement.

1. (1) This Regulation may be called the Mysore Merchandise Marks Regulation, 1892.

(2) It extends to the whole of the territories of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(1) “trade mark” has the meaning assigned to that expression in section 478 of the Indian Penal Code as amended by this Regulation:

(2) “trade description” means any description, statement or other indication, direct or indirect,—

(a) as to the number, quantity, measure, gauge or weight of any goods, or

(b) as to the place or country in which, or the time at which, any goods were made or produced, or

(c) as to the mode of manufacturing or producing any goods, or

(d) as to the material of which any goods are composed, or

(e) as to any goods being the subject of an existing patent, privilege or copyright;

and the use of any numeral, word or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Regulation:

(3) “false trade description” means a trade description which is untrue in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the

Section 3.

description untrue in a material respect, and the fact that a trade description is a trade mark shall not prevent such trade description being a false trade description within the meaning of this Regulation :

(4) "goods" means anything which is the subject of trade or manufacture : and

(5) "name" includes any abbreviation of a name.

Amendment of the Indian Penal Code.

3. For that part of Chapter XVIII of the Indian Penal Code which relates to Trade and Property Marks, the following shall be substituted, namely :—

Substitution of new sections for sections 478 to 489 of the Indian Penal Code.

"Of Trade, Property and other marks.

"478 A mark used for denoting that goods are the manufacture or merchandise of a particular person is called a trade mark.

Trade mark.

"479. A mark used for denoting that moveable property belongs to a particular person is called a property mark.

Property mark.

"480. Whoever marks any goods, or any case, package or other receptacle containing goods, or uses any case, package or other receptacle with any mark thereon, in a manner reasonably calculated to cause it to be believed that the goods so marked, or any goods contained in any such receptacle so marked are the manufacture or merchandise of a person whose manufacture or merchandise they are not, is said to use a false trade mark.

Using a false trade mark.

"481. Whoever marks any moveable property or goods or any case, package or other receptacle containing moveable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

Using a false property mark

"482. Whoever uses any false trade mark or any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for using a false trade mark or property mark.

Sections 3.

Counterfeiting a trade mark or property mark used by another.

"483. Whoever counterfeits any trade mark or property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a mark used by a public servant.

"484. Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place or that the property is of a particular quality or has passed through a particular office or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or possession of any instrument for counterfeiting a trade mark, or property mark.

"485. Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, or has in his possession a trade mark or property mark for the purpose of denoting that any goods are the manufacture or merchandise of a person whose manufacture or merchandise they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Selling goods marked with a counterfeit trade mark or property mark.

"486. Whoever sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark or property mark affixed to or impressed upon the same or to or upon any case, package or other receptable in which such goods are contained, shall, unless he proves—

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(c) that otherwise he had acted innocently, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Sections 4-5.

"487. Whoever makes any false mark upon any case, package or other receptacle containing goods in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Making a false mark upon any receptacle containing goods.

"488. Whoever makes use of any such false mark in any manner prohibited by the last foregoing section shall, unless he proves that he acted without intent to defraud, be punished as if he had committed an offence against that section.

Punishment for making use of any such false mark.

"489. Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Tampering with property mark with intent to cause injury.

Trade Description.

4. (1) The provisions of this Regulation respecting the application of a false trade description to goods or respecting goods to which a false trade description is applied, shall extend to the application to goods of any such numerals, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are or is reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are, and to goods having such numerals, words or marks, or arrangement or combination, applied thereto.

Provisions supplemental to the definition of false trade description.

(2) The provisions of this Regulation respecting the application of a false trade description to goods, or respecting goods, to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of

Sections 5-6.

this enactment the expression false name or initials means as applied to any goods any name or initials -

(a) not being a trade mark, or part of a trade mark, and

(b) being identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description and not having authorized the use of such name or initials.

(3) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches is a false trade description.

Application of
trade descrip-
tions.

* 5. (1) A person shall be deemed to apply a trade description to goods who—

(a) applies it to the goods themselves, or

(b) applies it to any covering, label, reel or other thing in or with which the goods are sold or are exposed or had in possession for sale or any purpose of trade or manufacture, or

(c) places, encloses or annexes any goods which are sold, or are exposed or had in possession for sale or any purpose of trade or manufacture, in, with or to any covering, label, reel or other thing to which a trade description has been applied, or

(d) uses a trade description in any manner reasonably calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade description.

(2) A trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into or annexed or affixed to the goods or any covering, label, reel or other thing.

(3) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

Penalty for
applying a
false trade
description.

6. If a person applies a false trade description to goods, he shall, subject to the provisions of this Regulation, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in the case of a second

Sections 7-8.

or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

7. If a person sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, he shall, unless he proves—

Penalty for selling goods to which a false trade description is applied.

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade description, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power, with respect to the persons from whom he obtained such goods or things, or

(c) that otherwise he had acted innocently, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

Unintentional Contravention of the Law relating to Marks and Descriptions.

8. Where a person is accused under section 482 of the Indian Penal Code of using a false trade mark or property mark by reason of his having applied a mark to any goods, property or receptacle in the manner mentioned in section 480 or section 481 of that Code, as the case may be, or under section 6 of this Regulation of applying to goods any false trade description, or under section 485 of the Indian Penal Code of making any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, and proves—

Unintentional contravention of the law relating to marks and descriptions.

(a) that in the ordinary course of his business he is employed, on behalf of other persons, to apply trade marks or property marks, or trade descriptions, or, as the case may be, to make dies, plates or other instruments for making, or being used in making, trade marks or property marks, and that in the case which is the subject of the charge he was so employed and was not interested in the goods or other thing by way of profit or commission dependent on the sale thereof, and

Section 9.

(b) that he took reasonable precautions against committing the offence charged, and

(c) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the mark or description, and

(d) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf the mark or description was applied, he shall be acquitted.

Forfeiture of Goods.

Forfeiture of
goods.

9. (1) When a person is convicted under section 482 of the Indian Penal Code of using a false trade mark, or under section 486 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under section 487 or section 488 of that Code of making, or making use of, a false mark, or under section 6 or section 7 of this Regulation of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or is acquitted on proof of the matters specified in section 486 of the Indian Penal Code or section 7 or section 8 of this Regulation, the Court convicting or acquitting him may direct the forfeiture to His Highness the Maharaja of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

(2) When a forfeiture is directed on a conviction and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When a forfeiture is directed on an acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the Court to which in appealable cases appeals lie from sentences of the Court which directed the forfeiture.

*Sections 10-13.**Stamping of Length of Piece-goods manufactured in the Territories of Mysore.*

10. (1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured in premises *which are a factory as defined in the Mysore Factories Regulation 1892* in the territories of Mysore, shall not be removed from those premises without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece.

Stamping of length of piece-goods manufactured in the territories of Mysore

(2) If any person removes or attempts to remove any such piece goods from any such premises without the length of each piece being stamped in the manner mentioned in sub-section (1), every such piece, and everything used for the packing or removal thereof, shall be forfeited to His Highness the Maharaja, and such person shall be punished with fine which may extend to one thousand rupees.

Supplemental Provisions.

11. (1) On any prosecution for an offence against any of the sections of the Indian Penal Code, as amended by this Regulation, which relate to trade, property and other marks, the Court may order costs to be paid to the defendant by the prosecutor, or the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Costs of defence or prosecution.

(2) Such costs shall, on application to the Court, be recoverable as if they were a fine.

12. No such prosecution as is mentioned in the last foregoing section shall be commenced after the expiration of three years next after the commission of the offence, or one year after the first discovery thereof by the prosecutor, whichever expiration first happens.

Limitation of prosecution.

13. (1) The Government of Mysore may, by notification in the official Gazette, issue instructions for observance by Criminal Courts in giving effect to any of provisions of this Regulation.

Authority of Government to issue instructions as to administration of this Regulation.

[*—*] These words were inserted by Regn. V of 1905.

Sections 14-17

(2) Instructions under sub-section (1) may provide, among other matters, for the limits of variation, as regards number, quantity, measure, gauge or weight, which are to be recognized by Criminal Courts as permissible in the case of any goods.

Implied warranty on sale of marked goods.

14. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the seller shall be deemed to warrant that the mark is a genuine mark and not counterfeit or falsely used, or that the trade description is not a false trade description within the meaning of this Regulation, unless the contrary is expressed in some writing signed by or on behalf of the seller and delivered at the time of the sale or contract to and accepted by the buyer.

Savings.

15. (1) Nothing in this Regulation shall exempt any person from any suit or other proceeding which might, but for anything in this Regulation, be brought against him.

(2) Nothing in this Regulation shall entitle any person to refuse to make a complete discovery or to answer any question or interrogatory in any suit or other proceeding; but such discovery or answer shall not be admissible in evidence against such person in any such prosecution as is mentioned in section 11.

(3) Nothing in this Regulation shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the territories of Mysore who in good faith acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master and as to the instructions which he has received from his master.

Definition of piece-goods.

16. For the purposes of section 10 of this Regulation, the Government of Mysore may, by notification in the official Gazette, declare what classes of goods are included in the expression "piecegoods, such as are ordinarily sold by length or by the piece."

Determination of character of goods by sampling.

17. (I) The Government of Mysore may make rules, for the purposes of this Regulation, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight,

Section 18.

for the number of samples to be selected and tested and for the selection of the samples.

(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court having occasion to ascertain the number, quantity, measure, gauge or weight of the goods shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

(3) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (2) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (2) desires that any further samples of the goods be selected and tested they shall, on his written application and on the payment in advance by him to the Court of such sums for defraying the cost of the further selection and testing as the Court may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the Government of Mysore in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (2), as the case may be.

(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(6) Rules under this section shall be made after previous publication.

18. An officer of the Government of Mysore whose duty it is to take part in the enforcement of this Regulation shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Regulation.

Information
as to commis-
sion of
offences.

Section 19.

Punishment
of abetment in
the territories
of Mysore of
acts done out
of the territo-
ries of Mysore.

19. If any person, being within the territories of Mysore, abets the commission, without the territories of Mysore, of any act which, if committed in the territories of Mysore, would, under this Regulation, or under any section of that part of Chapter XVIII of the Indian Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in the territories of Mysore in which he may be found and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

REGULATION No. II OF 1892.

(PASSED ON THE 23RD DAY OF MAY 1892.)

A Regulation to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.

Whereas no action or suit is now maintainable in any Court against a person who, by his wrongful act, neglect or default, may have caused the death of another person, and it is oftentimes right and expedient that the wrong-doer in such case should be answerable in damages for the injury so caused by him; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, the party who would have been liable if death had not ensued, shall be liable to an action or suit for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony or other crime.

Suit for compensation to the family of a person for loss occasioned to it by his death by actionable wrong.

And it is enacted further that every such action or suit shall be for the benefit of the wife, husband, parent, and child, if any, of the person whose death shall have been so caused, and shall be brought by and in the name of the executor, administrator or representative of the person deceased;

and in every such action, the Court may give such damages as it may think proportioned to the loss resulting from such death to the parties, respectively, for whom and for whose benefit such action shall be brought, and the amount so recovered after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before mentioned parties, or any of them, in such shares as the Court by its judgment or decree shall direct.

Sections 2-4.

Not more than
one suit to be
brought.

Claim for loss
to estate may
be added,

Plaintiff shall
deliver parti-
culars, etc.

Interpret-
ation clause.

2. Provided always that not more than one action or suit shall be brought for and in respect of the same subject-matter of complaint; provided that, in any such action or suit the executor, administrator or representative of the deceased may insert a claim for and recover any pecuniary loss to the estate of the deceased occasioned by such wrongful act, neglect or default, which sum, when recovered, shall be deemed part of the assets of the estate of the deceased.

3. The plaint in any such action or suit shall give a full particular of the person or persons for whom, or on whose behalf, such action or suit shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

4. The following words and expressions are intended to have meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter, that is to say, words denoting the singular number are to be understood to apply also to a plurality of persons or things, and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mother and grand-father and grand-mother; and the word "child" shall include son and daughter, and grand-son and grand-daughter, and step-son and step-daughter.

REGULATION No. III OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

*A Regulation to further amend Regulation No, IV of 1888
(The Mysore Land Revenue Code) as amended by
Regulation No. I of 1891.*

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888, His Highness the Maharaja is pleased to enact as follows:—

1. In section 3 of the said Code, for the interpretation clause of "revenue year" substitute the following:—
- "The words 'revenue year' mean the period from and exclusive of the 30th June of one calendar year until and inclusive of the 30th June in the next calendar year."
- "The revenue year 1891-92 shall consist of fifteen months running from 1st April 1891 to 30th June 1892, both days inclusive."

Preamble.

Substitution
for the inter-
pretation
clause of "rev-
enue year."

REGULATION No. V. of 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

**A Regulation to amend the Mysore Civil Courts
Regulation, I of 1883.**

Preamble.

Where as it is expedient to amend the Mysore Civil Courts Regulation, I of 1883; His Highness the Maharaja is pleased to enact as follows :

Amendment
of section 16
of Regulation
I of 1883.

1. In section 16 of the said Regulation, before the words "Subordinate Judge," the words "District Judge or shall be inserted.

REGULATION No. VI OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to amend section 265 of the Indian Contract Act, 1872 as introduced into Mysore by the Government of India Notification No. 47, dated 27th May 1878.

Whereas it is expedient to amend section 265 of the Indian Contract Act, 1872; His Highness the Maharaja of Mysore is pleased to enact as follows:—

1. For section 265 of the said Act, the following shall be substituted, namely:—

New section
substituted
for section
265 Indian
Contract Act.

“265 Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of a contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively.”

“Winding up
by Court on
dissolution or
after termina-
tion.”

REGULATION No. VIII OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892)

Regulation to amend the Cattle Trespass Act, 1871, as introduced into Mysore by the Government of India Notification No. 58 J, dated the 5th April 1872.

Whereas it is expedient to amend the Cattle Trespass Act 1871*, as introduced into Mysore by the Government of India Notification No. 58 J., dated 5th April 1872; His Highness the Maharaja is pleased to enact as follows:—

1. For section 1 of the Cattle Trespass Act, 1871, the following shall be substituted, namely:—

Substitution
of new section
for section 1.
Act I, 1871.
“ Title and
extent.”

“ 1. (1) This act may be called the Cattle Trespass Act, 1871; and

(2) It extends to the whole of the territories of Mysore except such local areas as the Government of Mysore, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2).”

Addition to
section 8, Act
I, 1871.

2. To section 3 of the said Act, the following shall be added, namely:—

“ and

“ ‘ Local authority ’ means anybody of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

“ ‘ Local Fund ’ means any fund under the control or management of a local authority.”

Substitution
for the first
paragraph and
proviso of
section 6.

3. In section 6 of the said Act, for the first paragraph and its proviso the following shall be substituted, namely:—

“ The heads of villages shall be *ex-officio* keepers of village pounds:

“ Provided that, where it is deemed necessary the Magistrate of the District shall be competent to relieve the head of the village of his charge and appoint another instead.

*The Cattle Trespass Act, as amended by Regulation VIII of 1892 has been printed in Vol. I of the Mysore Code, at pp. 204 to 215. For certain omissions in this Regulation, *vide* the foot-notes to the Act, in that volume.

Sections 4-7.

4. In section 10 of the said Act, for the words, "take them or cause them to be taken without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Amendment
of section 10,
Act I, 1871.

5. In section 11 of the said Act, for the words "take them without necessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Amendment
of section 11,
Act I, 1871.

6. (1) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely:—

Additions to
section 12,
Act I, 1871.

"Provided that, when it appears to the Government of Mysore from the report of a Magistrate of a district, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Government of Mysore may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale as may be prescribed in the notification."

(2) After the third paragraph of the same section the following shall be added, namely:—

"The Government of Mysore may at any time by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section."

7. For Chapter V of the said Act, the following shall be substituted, namely:—

Substitution
of new Chap-
ter for Chap-
ter V, Act I,
1871.

CHAPTER V.

COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

"20. Any person whose cattle have been seized under this Act, or having been so seized, have been detained in contravention of this Act may, at any time within ten days from the date of the seizure, make complaint to the Magistrate of the District or any Magistrate authorised

Power to
make comp-
plaints.

Sections 8-9.

to receive and try charges without reference by the Magistrate of the District.

“Procedure on complaint”

“21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing, or verbal. If it be verbal, the substances of it shall be taken down in writing by the Magistrate.

“If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against and make an enquiry into the case.

“Compensation for illegal seizure or detention.”

“22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

“Release of cattle.”

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release, and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

“Recovery of compensation.”

“23. The compensation, fines, and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.”

Amendment of section 25, Act I, 1871.

8. In section 25 of the said Act, the words “under the next following section or” shall be inserted between the words “Any fine imposed” and the words “for the offence of mischief.”

Addition to section 26, Act, I, 1871.

9. To section 26 of the said Act, the following shall be added, namely:—

“The Government of Mysore, by notification in the Official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words ‘fifty rupees’ were substituted for the words ‘ten rupees’ or as if there were both such reference and such substitution,

Sections 10-12.

“The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under this section.”

10. After Chapter VII, the following shall be added, namely :—

Addition of new Chapter after Chapter VII, Act I, 1871.

“CHAPTER VIII.

“SUPPLEMENTAL.

3. “The Government of Mysore may, from time to time, by notification in the official Gazette—

(a) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Government of Mysore or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

“Power for Government of Mysore to transfer certain functions to local authority and direct credit of surplus receipts to local fund.”

(b) direct that the whole or any part of the surplus accruing in any district under section 18 of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section.”

11. Any enactment or document referring to the Cattle Trespass Act, 1871, shall be construed to refer to the Cattle Trespass Act, 1871, as amended by this Regulation.”

Saving of references.

12. This Regulation shall come into force on the 1st day of June 1893.

Commencement.

REGULATION No. I OF 1893.

(PASSED ON THE 18TH DAY OF SEPTEMBER 1893.)

A Regulation for avoiding loss by the default of public accountants.**Preamble.**

For better avoidance of loss through the default of public accountants, His Highness the Maharaja is pleased to enact as follows:—

Public accountants to give security.

1. Every public accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control, by reason of his office.

Amount and kind of security, and with what sureties.

2. In default of any Regulation having special reference to the office of any public accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the office), as shall be required by any rules made or to be made from time to time, by the authority by which each public accountant is appointed to his office, subject, save in the case of Post Office employees, to the approval of the Government of Mysore.

"Public accountant" defined.

3. Every person is a public accountant within the meaning of this Regulation, who, by reason of any office held by him in the service of the Government of Mysore, is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to the said Government, or as Official Assignee or Trustee, or in any other official capacity, with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to any other person or persons. Every Post Office employee *who is working or who has given security* in the territories of Mysore shall, for the purposes of this Regulation, be deemed to be a public accountant.

Prosecution of accountants and sureties.

4. The person or persons at the head of the office to which any public accountant belongs may proceed against any such public accountant and his sureties for any loss or defalcation in his accounts as if the amount thereof

- Inserted by Regulation XII of 1918.

Section 5.

were an arrear of land revenue due to the Government of Mysore.

5. All Regulations now or hereafter to be in force for the recovery of arrears of land-revenue due to the Government of Mysore, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such public accountant.

Enactments
applied to pro-
ceedings by
and against
accountants

REGULATION No. I of 1894.

(PASSED ON THE 13TH DAY OF FEBRUARY 1894.)

A Regulation to amend Act XXV of 1867 as introduced into Mysore by the Government of India Notification No. 176, dated 12th September 1867.

WHEREAS it is expedient to amend Act XXV of 1867* *(an Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books)* as introduced into Mysore by the Government of India Notification No. 176, dated 12th September 1867 ; His Highness the Maharaja is pleased to enact as follows :—

Repeal of part of preamble to Act XXV, 1867.

Substitutions for the expressions "British India," "Local Government," etc., throughout the Act.

Omissions to be made in section 1.†

Omission of section 2, part of section 19, and section 22.

Amendment of sections 6, Act XXV, 1867.

1. In the preamble to the said Act, the word "three" is hereby repealed.

2. Throughout the said Act, for the words "British India," the words "the territories of Mysore," for the words "Local Government" and "the Governor-General of India in Council," the words "the Government of Mysore," and for the words "Local Gazette" and "Gazette of India," the words "Official Gazette," shall be substituted.

3. In section 1 of the said Act, omit the interpretation clauses of "British India" and "Local Government"; and the words "and includes a Magistrate of Police and a Justice of the Peace" in the definition of the word "Magistrate."

4. Omit section 2, the thirty-one words from "and a copy of the memoranda" to the end of section 19, and section 22 of the said Act.

5. In section 6 of the said Act, for the words "other Court within the local limits of whose ordinary original civil jurisdiction" the words "other principal Civil Court of original jurisdiction for the place where" and for the words "High Court of Judicature" the words † "High Court" shall be substituted.

* Act XXV of 1867 as amended by Regulation I of 1894 has been printed in Vol. I of the Mysore Code, at pages 169-178.

† The words 'High Court' was substituted for the words 'Chief Court' by Regulation XII of 1930.

Section 6.

6. For Part III (sections 9, 10 and 11) of the said Act, the following shall be substituted, namely :—

Substitution
of new Part
for Part III,
Act XXV of
1867.

“PART III.

DELIVERY OF BOOKS.

“9. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in the territories of Mysore after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Government of Mysore shall, by notification in the Official Gazette, from time to time direct, and free of expense to the Government of Mysore, as follows, that is to say :—

“Copies of
books printed
after com-
mencement of
Act to be
delivered
gratis to
Govern-
ment.”

(a) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and

(b) if within one calendar year from such day the Government of Mysore shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the Government of Mysore on the printer, another such copy, or two other such copies, as the Government of Mysore may direct,

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed or lithographed.

“The publisher or other person employing the printer shall at a reasonable time before the expiration of the said month supply him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

“Nothing in the former part of this section shall apply to—

(i) any second or subsequent edition of a book in which edition no additions or alterations either in the

Sections 7.

letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or

(ii) any periodical work published in conformity with the rules laid down in section 5 of this Act.

"Receipt for copies delivered under last foregoing section."

"10. The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

"Disposal of copies delivered under section 9."

"11. The copy delivered pursuant to clause (a) and the copies, if any, delivered pursuant to clause (b) of the first paragraph of section 9 of this Act shall be disposed of as the Government of Mysore shall from time to time determine."

Substitution of new sections for sections 16 and 17, Act XXV, 1867.

7. For sections 16 and 17 of the said act the following shall be substituted, namely:—

"Penalty for not delivering books or not supplying printer with maps."

"16. If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government of Mysore such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

"If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government of Mysore such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be, in the circumstances, a reasonable penalty for the default, and, in addition to such sum, such further

Section 8.

sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

“17. Any sum forfeited to the Government of Mysore under the last foregoing section may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure for the time being in force, and within the period prescribed by the Indian Penal Code, for the levy of a fine.

“Recovery of forfeitures and disposal thereof and of fines.”

“All fines or forfeitures under this Part of this Act shall, when recovered, be disposed of as the Government of Mysore shall from time to time direct.”

8. In section 18 of the said Act, there shall be substituted for the words and figure “pursuant to section 9” the words, letter and figure “pursuant to clause (a) of the first paragraph of section 9,” and for the words “copies thereof in manner aforesaid” the words, letter and figure “copy thereof pursuant to clause (a) of the first paragraph of section 9.”

Amendment of section 18 Act XXV, 1867.

REGULATION No. II OF 1894.

(PASSED ON THE 15TH DAY OF FEBRUARY 1894.)

**A Regulation to amend the Indian Penal Code
(Act XLV of 1860.)**

Preamble.

WHEREAS it is expedient to amend the Indian Penal Code (Act XLV of 1860), as it is in force in the territories of Mysore ; His Highness the Maharaja is pleased to enact as follows ;—

Addition to
section 21.

1. To section 21 of the said Code, the following shall be added, namely :—

“*Eleventh* :—Every officer employed in any Postal or Telegraph service established or maintained by the British Indian Government within the territories of Mysore.”

REGULATION No. IV of 1894.

The Mysore Railways Regulation.

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REGULATION No. IV of 1894.

(PASSED ON THE 13TH DAY OF APRIL 1894.)

A Regulation to consolidate, amend and add to the law relating to Railways in the territories of Mysore.

WHEREAS it is expedient to consolidate, amend and add to the law relating to Railways in the territories of Mysore ; His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

Title, extent
and com-
mencement.

1. (1) This Regulation may be called “The Mysore Railways Regulation, 1894.”

(2) It extends to the whole of the territories of Mysore ; and

(3) It shall come into force on the first day of May 1894.

Repeal.

2. (1) On and from that day, Act IV of 1879 (The Indian Railways Act, 1879) is repealed.

(2) But all rules, declarations and appointments made, sanctions and directions given, forms approved, powers conferred, and notifications published under the said Act IV of 1879 shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given, approved, conferred and published under this Regulation.

(3) Any enactment or document referring to the said Act IV of 1879 shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(1) “tramway” means a tramway constructed under the Mysore Tramways Regulation, 1906, or any special law relating to tramways :

(2) “ferry” includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry :

Section 3.

(3) "inland" means any canal, river, lake or navigable water in the territories of Mysore :

(4) "railway" means a railway, or any portion of a railway, for the public carriage of passengers, animals or goods, and includes—

(a) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway ;

(b) all lines of rails, sidings or branches worked over for the purposes of, or in connection with, a railway ;

(c) all stations, offices, warehouses, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, a railway ; and

(d) all ferries, boats and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to or are hired or worked by the authority administering the railway :

(5) "railway company" includes any persons, whether incorporated or not; who are owners or lessees of a railway or parties to an agreement for working a railway :

(6) "railway administration" or administration, " in the case of a railway administered by the Government of His Highness the Maharaja, means the Manager of the railway and includes the Government of His Highness the Maharaja, and, in the case of a railway administered by a railway company, means the railway company :

(7) "railway servant" means any person employed by a railway administration in connection with the service of a railway :

(8) "Inspector" means an Inspector of Railways appointed under this Regulation :

(9) "goods" includes inanimate things of every kind :

(10) "rolling stock" includes locomotive engines tenders, carriages, waggons, trucks and trollies of all kinds :

(11) "traffic" includes rolling-stock of every description as well as passengers, animals and goods :

(12) "through traffic" means traffic which is carried over the railways of two or more railway administrations :

Sections 3-4.

(13) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods :

(14) "terminals" includes charges in respect of stations, sidings, depots, warehouses, cranes and other similar matters and of any services rendered thereat :

(15) "pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorising the person to whom it is given to travel as a passenger on a railway gratuitously :

(16) "ticket" includes a single ticket, a return ticket and a season ticket :

(17) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy : and

(18) "Deputy Commissioner" means the chief officer in charge of the land revenue administration of a district, and includes any officer specially appointed by the Government of His Highness the Maharaja to discharge the functions of a Deputy Commissioner under this Regulation.

CHAPTER II.

INSPECTION OF RAILWAYS.

Appointment
and duties of
Inspectors.

4. (1) The Government of His Highness the Maharaja may appoint persons, by name or by virtue of their office, to be Inspectors of Railways.

(2) The duties of an Inspector of Railways shall be—

(a) to inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Government of His Highness the Maharaja as required by this Regulation;

(b) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the Government of His Highness the Maharaja may direct ;

(c) to make inquiry under this Regulation into the cause of any accident on a railway ;

(d) to perform such other duties as are imposed on him by this Regulation or any other enactment for the time being in force relating to railways.

Sections 5-7.

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Regulation, be deemed to be a public servant within the meaning of the Indian Penal Code, and, subject to the control of the Government of His Highness the Maharaja, shall for that purpose have the following powers, namely :—

**Powers of
Inspectors.**

(a) to enter upon and inspect any railway or any rolling-stock used thereon :

(b) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration ;

(c) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisers) which it appears to him to be necessary to inspect.

6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Regulation.

**Facilities to
be afforded to
Inspectors.**

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

7. (1) Subject to the provisions of this Regulation and, in the case of immoveable property not belonging to the railway administration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, and, subject also, in the case of a railway company, to the provisions of any contract between the company and the Government of His Highness the Maharaja, a railway administration may, for the purpose of constructing a railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force,—

**Authority of
railway
administra-
tion to execute
all necessary
works.**

(a) make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways

Sections 7-8.

or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, *lines of railways, *ways, passages, conduits, drains, cuttings and fences as the railway administration thinks proper ;

(b) alter the course of any rivers, brooks, streams or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams or water-courses or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper ;

(c) make drains or conduits into, through, or under any lands adjoining the railway for the purpose of conveying water from or to the railway ;

(d) erect and construct such houses, warehouses, offices and other buildings and such yards, stations, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper ;

(e) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead ; and

(f) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(2) The exercise of the powers conferred on a railway administration by sub-section (1) shall be subject to the control of the Government of His Highness the Maharaja.

Iteration of
pipes, wires
and drains.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this Regulation, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or any drain not being a main drain ;

Provided that—

(a) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time

Sections 9-10.

at which it will begin to do so, to the local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is ;

(b) a local authority, company or person receiving notice under proviso (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

9. (1) The Government of His Highness the Maharaja may authorise any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

Temporary entry upon land for repairing or preventing accident.

(2) In case of necessity the railway administration may enter upon the lands and do the works aforesaid without having obtained the previous sanction of the Government His Highness the Maharaja, but in such a case shall, within seventy-two hours after such entry, make a report to that Government, specifying the nature of the accident, or apprehended accident and of the works necessary to be done, and the power conferred on the railway administration by this sub-section shall cease and determine if the Government of His Highness the Maharaja, after considering the report, consider that the exercise of of the power is not necessary for the public safety.

10. (1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the three last foregoing sections, and compensation shall be paid for any damage caused by the exercise thereof.

Payment of compensation for damage caused by lawful exercise of powers under section 7, 8 or 9.

*(2) A suit shall not lie to recover such compensation, but in case of dispute the amount thereof, shall, on application to the Deputy Commissioner, be determined

Section 11.

and paid in accordance, so far as may be, with the provisions of sections 11 to 15, both inclusive, sections 18 to 34, both inclusive, and sections 53 and 54 of the Mysore Land Acquisition Regulation 1894, and the provisions of sections 51 and 52 of that regulation shall apply to the award of compensation.

Accommodation works.

11. (1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely:—

(a) such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from the railway as may, in the opinion of the Government of His Highness the Maharaja, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the Railway is made, and

(b) all necessary arches, tunnels, culverts, drains, water-courses or other passages over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Government of His Highness the Maharaja, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) Subject to the other provisions of this Regulation, the works specified in clauses (a) and (b) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

(3) The foregoing provisions of this section are subject to the following provisos, namely:—

(a) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;

(b) save as hereinafter in this chapter provided, a railway administration shall not, except on the requisition

Sections 12-13.

of the Government of His Highness the Maharaja, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic ;

(c) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

(4) The Government of His Highness the Maharaja may appoint a time for the commencement of any work to be executed under sub-section (1), and if for fourteen days next after that time the railway administration fails to commence the work or, having commenced it, fails to proceed diligently to execute it in a sufficient manner, the Government of His Highness the Maharaja may execute it and recover from the railway administration the cost incurred by it in the execution thereof.

12. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Government of His Highness the Maharaja or local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorised by the Government of His Highness the Maharaja.

Power for owner, occupier or local authority to cause additional accommodation works to be made.

13. The Government of His Highness the Maharaja may require that, within a time to be specified in the requisition or within such further time as it may appoint in this behalf,—

Fences, screens, gates and bars.

(a) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith ;

(b) any works in the nature of a screen near to or adjoining the side of any public road constructed before

Sections 14-15.

the making of a railway be provided or renewed by a railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling-stock moving on the railway ;

(c) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at places where a railway crosses a public road on the level ;

(d) persons be employed by a railway administration to open and shut such gates, chains or bars.

Over and
under bridges.

14. (1) Where a railway administration has constructed a railway across a public road on the level, the Government of His Highness the Maharaja may at any time, if it appears to it necessary for the public safety, require the railway administration, within such time as it thinks fit, to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the Government of His Highness the Maharaja to be best adapted for removing or diminishing the danger arising from the level-crossing.

(2) The Government of His Highness the Maharaja may require, as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as that Government thinks just.

Removal of
trees dan-
gerous to or
obstructing
the working
of a railway.

15. (1) In either of the following cases, namely :—

(a) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(b) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any Magistrate, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

Sections 16-18.

(2) In case of emergency the power mentioned in sub-section (1) may be exercised by a railway administration without the permission of a Magistrate.

(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(4) Such an award, subject, where made by any Magistrate other than the District Magistrate, to revision by the District Magistrate, shall be final.

(5) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

CHAPTER IV.

OPENING OF RAILWAYS.

16. (1) A railway administration may, with the previous sanction of the Government of His Highness the Maharaja, use upon a railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby.

Right to use locomotives.

(2) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Regulation.

17. (1) Subject to the provisions of sub-section (2), a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the Government of His Highness the Maharaja notice in writing of its intention.

Notice of intended opening of a railway.

(2) The Government of His Highness the Maharaja may in any case, if it thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (1).

18. A railway shall not be opened for the public carriage of passengers until the Government of His Highness the Maharaja or an Inspector empowered by the Government in Council in this behalf, has by order sanctioned the opening thereof for that purpose.

Sanction of the Government a condition precedent to the opening of a railway.

Section 19.

Procedure in
sanctioning
the opening of
a railway.

19. (1) The sanction of the Government of His Highness the Maharaja under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to that Government—

(a) that he has made a careful inspection of the railway and rolling-stock ;

(b) that the moving and fixed dimensions prescribed by the Government of His Highness the Maharaja have not been infringed ;

(c) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling-stock are such as have been prescribed by the Government of His Highness the Maharaja ;

(b) that the railway is sufficiently supplied with rolling-stock ;

(e) that general rules for the working of the railway when opened for the public carriage of passengers have been made, sanctioned and published under this regulation ; and

(f) that, in his, opinion, the railway can be opened for the public carriage of passengers without danger to the public using it.

(2) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion together with the grounds therefor to the Government of His Highness the Maharaja and that Government may thereupon order the railway administration to postpone the opening of the railway.

(3) An order under the last foregoing sub-section must set forth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Government of His Highness the Maharaja is otherwise satisfied that the railway can be opened without danger to the public using it.

(4) The sanction given under this section may be either absolute or subject to such conditions as the Government of His Highness the Maharaja thinks necessary for the safety of the public.

(5) When sanction for the opening of a railway is given subject to conditions and the railway administration

Sections 20-23.

fails to fulfil those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the Government of His Highness the Maharaja.

20. (1) The provisions of sections 17, 18 and 19 with respect to the opening of a railway shall extend to the opening of the works mentioned in sub-section (2) when those works form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

Application of the provisions of the three last foregoing sections to material alterations of a railway.

(2) The works referred to in sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

21. When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored, or the temporary diversion, as the case may be, may in the absence of the Inspector, be opened for the public carriage of passengers, subject to the following conditions, namely:—

Exceptional provision.

(a) that the railway servant in charge of the works undertaken by reason of the accident has certified in writing that the opening of the restored line and works or of the temporary diversion, will not in his opinion be attended with danger to the public using the line and works or the diversion; and

(b) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector appointed for the railway.

22. The Government of His Highness the Maharaja may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 20 (both inclusive) may be dispensed with.

Power to make rules with respect to the opening of railways.

23. (1) When, after inspecting any open railway used for the public carriage of passengers, or any rolling-stock used thereon, an Inspector is of opinion that the use

Power to close an opened railway.

Sections 24-25.

of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Government of His Highness the Maharaja, and that Government may thereupon order that the railway be closed for the public carriage of passengers, or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling-stock so specified be used for the public carriage of passengers on such conditions only as the Government of His Highness the Maharaja may consider necessary for the safety of the public.

(2) An order under sub-section (1) must set forth the grounds on which it is founded.

Re-opening of
a closed rail-
way.

24. (1) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers until it has been inspected, and its re-opening sanctioned, in accordance with the provisions of this Regulation.

(2) When the Government of His Highness the Maharaja has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the Government of His Highness the Maharaja has sanctioned its use.

(3) When the Government of His Highness the Maharaja has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by that Government.

Delegation of
powers under
this chapter
to Inspectors.

25. (1) The Government of His Highness the Maharaja may, by general or special order, authorize the discharge of any of its functions under this chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which that Government might have imposed if the sanction or order had been given by itself.

(2) A condition imposed under sub-section (1) shall, for all the purposes of this Regulation, have the same effect as if it were attached to a sanction or order given by the Government of His Highness the Maharaja.

Section 26.

CHAPTER V.

TRAFFIC FACILITIES.

26. (1) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock.

Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.

(2) A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(3) A railway administration having or working railways which form part of a continuous line of railway communication, or having its terminus or station within one mile of the terminus or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or station, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(4) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates :

Provided as follows :—

(a) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the

Section 26.

route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per maund ;

(b) each forwarding railway administration shall, within the prescribed period after the receipt of such notice, by written notice inform the railway administration requiring the traffic to be forwarded, whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are ;

(c) if at the expiration of the prescribed period no such objection has been sent by any forwarding railway administration, the rate shall come into operation at the expiration of that period ;

(d) if an objection to the rate, apportionment or route has been sent within the prescribed period, the same shall be considered and decided by the Government of His Highness the Maharaja ;

(e) if the objection is to the granting of the rate or to the route, the Government of His Highness the Maharaja shall consider whether the granting of the rate is a due and reasonable facility in the interests of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as may seem to that Government to be just and reasonable ;

(f) if the objection is only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the Government of His Highness the Maharaja as to its apportionment shall be retrospective ; in the case of any other objection, the operation of the rate shall be suspended until that Government makes its order in the case :

(g) the Government of His Highness the Maharaja in apportioning the through rate shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route or any part of the route, as well as any special charge which any railway administration is entitled to make in respect thereof ;

(h) the Government of His Highness the Maharaja shall not in any case compel any railway administration to accept lower mileage rates than the mileage rates which

Sections 27-29.

the administration may for the time being legally be charging for like traffic carried by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival of the through route;

(i) subject to the foregoing provisions of this subsection, the Government of His Highness the Maharaja shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding railway administration out of the through rate than the maximum rate which the railway administration is entitled to charge, and to allow and apportion the through rate accordingly;

(j) the prescribed period mentioned in this subsection shall be one month, or such longer period as the Government of His Highness the Maharaja may by general or special order prescribe.

27. (1) Whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local are a lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the railway administration.

Undue preference in case of unequal rates for like traffic or services.

(2) In deciding whether a lower charge does or does not amount to an undue preference, the Government of His Highness the Maharaja may, so far as it thinks reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made.

28. Where a railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to a railway shall extend to the ferry, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Provision for facilities and equal treatment where boats are used which are not part of a railway.

29. A railway administration may charge reasonable terminals.

Sections 30-31.

Power of Government to fix terminals.

30. (1) Any question or dispute which may arise with respect to the terminals charged by a railway administration, shall be considered by the Government of His Highness the Maharaja, which shall decide what is a reasonable sum to be paid to the railway administration in respect of terminals.

(2) In deciding the question or dispute, the Government of His Highness the Maharaja shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged, irrespective of the outlay which may have been actually incurred by the railway administration in providing that accommodation.

CHAPTER VI.

WORKING OF RAILWAYS.

General.

General rules.

31. (1) Every railway company, and, in the case of a railway administered by the Government of His Highness the Maharaja, an officer to be appointed by that Government in this behalf, shall make general rules consistent with this Regulation for the following purposes, namely:—

(a) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled ;

(b) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage ;

(c) for declaring what shall be deemed to be, for the purposes of this Regulation, dangerous or offensive goods, and for regulating the carriage of such goods ;

(d) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers ;

(e) for regulating the conduct of the railway servants ;

(f) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner ; and

Section 32.

(g) generally, for regulating the travelling upon, and the use, working and management of, the railway.

(2) The rules may provide that any person committing a breach of any of them shall be punished with fine which may extend to any sum not exceeding fifty rupees, and that, in the case of a rule made under clause (e) of sub-section (1), the railway servant shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the railway administration from his pay.

(3) A rule made under this section shall not take effect until it has received the sanction of the Government of His Highness the Maharaja and been published in the official Gazette.

Provided that, where the rule is in the terms of a rule which has already been published at length in the official Gazette, a notification in a Gazette referring to the rule already published and announcing the adoption thereof shall be deemed a publication of a rule in the official Gazette within the meaning of this sub-section.

(4) The Government of His Highness the Maharaja may cancel any rule made under this section, and the authority required by sub-section (1) to make rules thereunder may at any time, with the previous sanction of that Government, rescind or vary any such rule.

(5) Every rule purporting to have been made for any railway under section 8 of the Indian Railway Act, 1879, and appearing from the official Gazette to be intended to apply to the railway at the commencement of this Regulation, shall, notwithstanding any irregularity in the making or publication of the rule, be deemed to have been made and to have taken effect under this section.

(6) Every railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

32. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the

Disposal of differences between railways regarding conduct of joint traffic.

Sections 33-34.

Government of His Highness the Maharaja, upon the application of either or any of the administrations, may decide the matters in dispute between them, so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

Agreements
with the
Government
for construction or lease of
rolling stock.

33. Any railway company may from time to time make and carry into effect agreements with the Government of His Highness the Maharaja for the construction of rolling-stock, plant or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery or equipments required for use on a railway, or for the maintenance of rolling-stock.

Powers of
railway companies to enter
into working
agreements.

34. Any railway company may from time to time make with the Government of His Highness the Maharaja and carry into effect, or, with the sanction of that Government, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes :

(a) the working, use, management and maintenance of any railway ;

(b) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (a) and of officers and servants for the conduct of the traffic of the railway ;

(c) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance ;

(d) the interchange, accommodation and conveyance of traffic being on, coming from or intended for the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic ;

(e) generally, the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on :

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are from time to time respectively authorised to demand and receive from any person, and that every person shall, notwithstanding the agreement, be entitled to the use and

Sections 35-37.

benefit of the railways of any railway administrations, parties to the agreement, on the same terms and conditions, and on payment of the same rates, as he would be if the agreement had not been entered into.

35. Any railway company may from time to time exercise, with the sanction of the Government of His Highness the Maharaja, all or any of the following powers, namely :—

Establishment of ferries and roadways for accommodation of traffic.

(a) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry ;

(b) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section ;

(c) it may provide and maintain on any of its bridges roadways for foot passengers, cattle, carriages, carts or other traffic ;

(d) it may construct and maintain roads for the accommodation of traffic passing to or from its railway ;

(e) it may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway ;

(f) it may charge tolls on the traffic using such ferries, roadways, roads or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Government of His Highness the Maharaja.

36. Every railway administration shall, in forms to be prescribed by the Government of His Highness the Maharaja, prepare, half-yearly or at such intervals as that Government may prescribe, such returns of its capital and revenue transactions and of its traffic as the Government of His Highness the Maharaja may require, and shall forward a copy of such returns to the Government of His Highness the Maharaja at such times as it may direct.

Returns.

Carriage of Property.

37. (1) Every railway administration shall determine the maximum load for every wagon on truck in its possession, and shall exhibit the words or figures representing

Maximum load for waggons.

Sections 38-39.

the load so determined in a conspicuous manner on the outside of every such waggon or truck.

(2) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the maximum load for the wagon or truck.

(3) The gross weight of any such wagon or truck bearing on the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the Government of His Highness the Maharaja for the class of axle under the wagon or truck.

Power for
railway
adminis-
trations to
impose condi-
tions for
working
traffic.

38. (1) Subject to the control of the Government of His Highness the Maharaja, a railway administration may impose conditions, not inconsistent with this Regulation or with any general rule thereunder, with respect to the receiving, forwarding or delivering of any animals or goods.

(2) The railway administration shall keep at each station on its railway a copy of the conditions for the time being in force under sub-section (1) at the station, and shall allow any person to inspect it free of charge at all reasonable times.

(3) A railway administration shall not be bound to carry any animal suffering from any infectious or contagious disorder.

Lien for rates,
terminals and
other charges.

39. (1) If a person fails to pay on demand made by or on behalf of a railway administration any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods, or, if they have been removed from the railway, any other animals or goods, of such person then being in or thereafter coming into its possession.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers or, where there are no such newspapers, in such manner as the Government of His Highness the Maharaja may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of

Sections 40-41.

animals, the expenses of the feeding, watering, and tending thereof.

(3) Out of the proceeds of the sale the railway administration may return a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from the railway within a reasonable time any animals or goods which have been detained under sub-section (1) or any animals or goods which have remained unsold after a sale under sub-section (2), the railway administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (3).

(5) Notwithstanding anything in the foregoing sub-sections, the railway administration may recover by suit any such rate, terminal or other charge as aforesaid or balance thereof.

40. (1) When any animals or goods have come into the possession of a railway administration for carriage or otherwise and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the animals or goods.

Disposal of unclaimed things on a railway.

(2) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the railway administration may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods as nearly as may be under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

41. Where any animals, goods or sale proceeds in the possession of a railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withhold delivery of the animals, goods or sale proceeds until the person entitled in its opinion to receive them has given an indemnity, to the satisfaction

Power for railway administrations to require indemnity on delivery of goods in certain cases.

Section 42.

of the railway administration, against the claims of any other person with respect to the animals, goods or sale-proceeds.

Requisitions
for written
accounts of
description of
goods.

42. (1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on a railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

(2) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the railway administration may, (a) in respect of goods which have been brought for the purpose of being carried on the railway, refuse to carry the goods unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time on the railway, for any class of goods or, (b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried in the railway, the railway administration may charge in respect of the carriage of the goods a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

(4) If any difference arise between a railway servant and the owner or person having charge, or the consignee, of any goods which have been brought to be carried or have been carried on a railway, respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account, or, if that person is not the owner

Section 43.

of the goods, then that person and that owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (1), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

43. (1) No person shall be entitled to take with him, or to require a railway administration to carry, ^{Dangerous or offensive goods.} any dangerous or offensive goods upon a railway.

(2) No person shall take any such goods with him upon a railway without giving notice of their nature to the station-master or other railway servant in charge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carriage upon a railway without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(3) Any railway servant may refuse to receive such goods for carriage, and, when such goods have been so received without such notice as is mentioned in *sub-section (2) * having to his knowledge been given, may refuse to carry them or may stop their transit.

(4) If any railway servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (2) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(5) Nothing in this section shall be construed to derogate from the Mysore Explosives Regulation, II of 1888, or any rule under that Regulation, and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the Government of His Highness the Maharaja or the British Government or to any goods which an

* Substituted for 'sub-section (1)' by section 4 of Regulation X of 1919

Sections 44-46.

officer, soldier, sailor or police-officer or a person enrolled as a Volunteer under the Indian Volunteers' Act. 1869, may take with him upon a railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates.

44. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate-books or other documents in which the rate is authorized by the administration or administrations concerned.

Requisitions on railway administrations for details of gross charges.

45. (1) Where any charge is made by and paid to a railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads namely:—

- (a) the carriage of the goods on the railway ;
- (b) terminals ;
- (c) demurrage ; and
- (d) collection, delivery and other expenses ;

but without particularizing the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

Communication between passengers and railway servants in charge of transit.

46. The Government of His Highness the Maharaja may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passengers and the railway servants in charge of the train as that Government has approved.

Sections 47-51.

47. Every railway administration shall fix, subject to the approval of the Government of His Highness the Maharaja, the maximum number of passengers which be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment, in English or in Kanarese or both in English and in Kanarese, as the Government of His Highness the Maharaja, after consultation with the railway administration, may determine.

Maximum number of passengers for each compartment.

48. (1) On and after the first day of May 1894, every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train:

Reservation of compartments for females.

(2) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles, be provided with a closet.

49. Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in Kanarese, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which card-tickets are ordinarily issued to passengers at that station.

Exhibition of time-tables and tables of fares at stations.

50. (1) Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

Supply of tickets on payment of fares.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth—

(a) if the class of carriage to be specified thereon is the lowest class, then in Kanarese, and

(b) if the class of carriage to be so specified is any other than the lowest class, then in English.

51. (1) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

Provision for case in which tickets have been issued for trains no having room available for additional passengers.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for

Sections 52-55.

which the ticket was issued, shall, on returning the ticket within three hours after the departure of the train, be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class, shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled.

Prohibition
against tra-
velling
without pass
or ticket.

52. No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger, unless he has with him a proper pass or ticket.

Exhibition
and sur-
render of
passes and
tickets.

53. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

Return and
season
tickets.

54. A return ticket or season ticket shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Power to
refuse to
carry persons
suffering
from infec-
tious or
contagious
disorder.

55. (1) A railway administration may refuse to carry, except in accordance with the conditions prescribed under section 31, sub-section (1), clause (d), a person suffering from any infectious or contagious disorder.

(2) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the station-master or other railway servant in charge of the place where he enters upon the railway.

(3) A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

Sections 56-57.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATIONS
AS CARRIERS.

56. (1) The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Regulation, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.

Measure of the general responsibility of a railway administration as a carrier of animals and goods.

(2) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it—

(a) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(b) is otherwise in a form approved by the Government of His Highness the Maharaja.

57. (1) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on a railway, shall not in any case exceed, in the case of elephants or horses, five hundred rupees a head, or, in the case of *mules, camels or horned cattle, fifty rupees a head, or, in the case of *donkeys, sheep, goats, dogs or other animals, ten rupees a head unless the person sending or delivering them to the administration caused them to be declared, or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, fifty or ten rupees a head, as the case may be.

Further provision with respect to the liability of a railway administration as a carrier of animals.

(2) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against a railway administration for the recovery of compensation for the loss, destruction, or deterioration of any animal the burden of proving the value of the animal and, where the animal has

* The word 'mules' and 'donkeys' were inserted by sec 5 of Regulation X of 1919.

Sections 58-60.

been injured, the extent of the injury shall lie upon the person claiming the compensation.

Further provision with respect to the liability of a railway administration as a carrier of luggage.

58. A railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger, unless a railway servant has booked and given a receipt therefor.

Further provision with respect to the liability of a railway administration as a carrier of articles of special value.

59. (1) When any articles mentioned in the schedule hereto annexed are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway administration shall not be responsible for the loss, destruction or deterioration of the parcel or package, unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

Burden of proof in suits in respect of loss of animals or goods.

60. In any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Sections 61-64.

61. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six-months from the date of the delivery of the animals or goods for carriage by railway.

Notification of claims to refunds of over charges and to compensation for losses.

62. Notwithstanding anything in the foregoing provisions of this chapter, a railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under subsection (1) of section 42, if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods, if such value were calculated in accordance with the description contained in the false account.

Exoneration from responsibility in case of goods falsely described.

63. Where an officer, soldier or follower, while being or travelling as such on duty upon a railway belonging to, and worked by, the Government of His Highness the Maharaja, loses his life or receives any personal injury in such circumstances that if he were not an officer, soldier or follower being or travelling as such on duty upon the railway, compensation would be payable under Mysore Regulation No. II of 1892 or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military regulations to which he was immediately before his death, or is, subject, be determined in accordance with those regulations, and not otherwise.

Settlement of compensation for injuries to officers, soldiers and followers on duty.

64. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for compensation for loss of the life of, or personal injury to, a passenger, or for loss, destruction or deterioration of animals or goods where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration from which the passenger obtained

Suits for compensation for injury to through-booked traffic.

Sections 65-66.

his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof, as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred.

65. *Section 65 was repealed by Regulation X of 1919.*

CHAPTER VIII.

ACCIDENTS.

Report of railway accidents,

66. When any of the following accidents occurs in the course of working a railway, namely :—

(a) any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property ;

(b) any collision between trains of which one is a train carrying passengers ;

(c) the derailment of any train carrying passengers, or of any part of such a train ;

(d) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;

(e) any accident of any other description which the Government of His Highness the Maharaja may notify in this behalf in the official Gazette ;

the railway administration working the railway and, if the accident happens to a train belonging to any other railway administration, the other railway administration also shall, without unnecessary delay, send notice of the accident to the Government of His Highness the Maharaja and to the Inspector appointed for the railway ; and the station-master nearest to the place at which the accident occurred or, where there is no station-master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay, give notice of the accident to the Magistrate of the district in which the accident occurred, and to the officer in charge of the police-station within the local limits of which it occurred, or to such other Magistrate and police-officer as the Government of His Highness the Maharaja appoints in this behalf.

Sections 67-70.

67. The Government of His Highness the Maharaja may make rules, consistent with this Regulation and any other enactment for the time being in force, for all or any of the following purposes, namely :—

Power to make rules regarding notices of and inquiries into accidents.

(a) for prescribing the forms of the notices mentioned in the last foregoing section, and the particulars of the accident which those notices are to contain ;

(b) for prescribing the class of accidents, of which notice is to be sent by telegraph immediately after the accident has occurred ;

(c) for prescribing the duties of railway servants, police-officers, Inspectors and Magistrates on the occurrence of an accident.

68. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any Court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of the examination as it or he thinks fit.

Provision for compulsory medical examination of person injured in railway accident.

CHAPTER IX.

PENALTIES AND OFFENCES.

Forfeitures by Railway Companies

69. If a railway company fails to comply with any requisition made under section 13, it shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the default continues.

Penalty for default in compliance with requisition under section 13.

70. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of section 16, sub-section (2), or opens or uses any railway or work in contravention of section 18, section 19, section 20 or section 21, or re-opens any railway or uses any rolling-stock in contravention of section 24, it

Penalty for contravention of sections 16, 18, 19, 20, 21 or 24.

Sections 71-75.

shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for every day during which the motive power, railway, work or rolling-stock is used in contravention of any of those sections.

Penalty for not having certain documents kept or exhibited at stations under sections 31, 38 or 49.

71. If a railway company fails to comply with the provisions of section 31, sub-section (6), section 38 sub-section (2), or section 49, with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for not making rules as required by section 31.

72. If a railway company fails to comply with the provisions of section 31 with respect to the making of general rules, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for failure to comply with decision under section 32.

73. If a railway company refuses or neglects to comply with any decision of the Government of His Highness the Maharaja under section 32, it shall forfeit to that Government the sum of two hundred rupees for every day during which the refusal or neglect continues.

Penalty for delay in submitting returns under section 36.

74. If a railway company fails to comply with the provisions of section 36 with respect to the submission of any return it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for neglect of provisions of section 37 or 47 with respect to carrying capacity of rolling-stock.

75. If a railway company contravenes the provisions of section 37 or section 47 with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment, or knowingly suffers any person owning a wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every day during which either section is contravened.

Sections 76-80.

76. If a railway company fails to comply with any requisition of the Government of His Highness the Maharaja under section 46 for the provision and maintenance in proper, order in any train worked by it, which carries passengers, of such efficient means of communication as that Government has approved, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for each train run in disregard of the requisition.

Penalty for failure to comply with requisition under section 46 for maintenance of means of communication between passengers and railway servants.

77. If a railway company fails to comply with the requirements of section 48 with respect to the reservation of compartments for females or the provision of closets therein, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every train in respect of which the default occurs.

Penalty for failure to reserve compartments for females under section 48.

78. If a railway company omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, it shall forfeit to the Government of His Highness the Maharaja the sum of one hundred rupees for every day during which the omission continues.

Penalty for omitting to give the notices of accidents required by section 66 and under section 67.

79. (1) When a railway company has, through any act or omission, forfeited any sum to the Government of His Highness the Maharaja under the foregoing provisions of this Chapter, the sum shall be recoverable by suit in the District Court having jurisdiction in the place where the act or omission or any part thereof occurred.

Recovery of penalties.

(2) This suit must be instituted with the previous sanction of the Government of His Highness the Maharaja, and the plaintiff therein shall be the Dewan of Mysore.

(3) The Government of His Highness the Maharaja may remit the whole or any part of any sum forfeited by a railway company to that Government under the foregoing provisions of this Chapter.

80. Nothing in these provisions shall be construed to preclude the Government of His Highness the Maharaja from resorting to any other mode of proceeding instead of, or in addition to, such a suit as is mentioned in the last foregoing section, for the purpose of compelling a railway company to discharge any obligation imposed upon it by this Regulation.

Alternative or supplementary character of remedies afforded by the foregoing provisions of this chapter

*Sections 81-86.**Offences by Railway Servants.*

Breach of
duty imposed
by section 44.

81. If a railway servant whose duty it is to comply with the provisions of section 44 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Drunkenness.

82. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to one year, or with fine, or with both.

Endangering
the safety of
persons.

83. If a railway servant, when on duty, endangers the safety of any person—

(a) by disobeying any general rule made, sanctioned, published and notified under this Regulation, or

(b) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or

(c) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Compelling
passengers to
enter carri-
ages already
full.

84. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Omission to
give notice
of accident.

85. If a station-master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, he shall be punished with fine which may extend to fifty rupees.

Obstructing
level cross-
ings.

86. If a railway servant unnecessarily—

(a) allows any rolling-stock to stand across a place where the railway crosses a public road on the level, or

(b) keeps a level-crossing closed against the public,

he shall be punished with fine which may extend to twenty rupees.

Sections 87-92

87. If any return which is required by this Regulation is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to one year, or with both. False returns.

Other Offences.

88. If a person requested under section 42 to give an account with respect to any goods gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall be punished with fine which may extend to ten rupees for every maund or part of a maund of the goods, and the fine shall be in addition to any rate or other charge to which the goods may be liable. Giving false account of goods.

89. If in contravention of section 43 a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway. Unlawfully bringing dangerous or offensive goods upon a railway.

90. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees. Needlessly interfering with means of communication in a train.

91. (1) If a passenger, having entered a compartment which is reserved by a railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 47, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees. Entering compartment reserved or already full or resisting entry into a compartment not full.

(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

92. (1) If a person, without the consent of his fellow-passengers, if any, in the same compartment, smokes in any compartment except a compartment Smoking.

Sections 93-95.

specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

(2) If any person persists in so smoking after being warned by any railway servant to desist, he may, in addition to incurring the liability mentioned in sub-section (1) be removed by any railway servant from the carriage in which he is travelling.

Defacing public notices.

93. If a person, without authority in this behalf, pulls down, or wilfully injures any board or document set up or posted by order of a railway administration on a railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document, he shall be punished with fine which may extend to fifty rupees.

Fraudulently travelling or attempting to travel without proper pass or ticket.

94. If a person, with intent to defraud a railway administration—

(a) enters in contravention of section 52 any carriage on a railway, or

(b) uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return ticket, a half thereof which has already been so used,

he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

Travelling without pass or tickets or with insufficient pass or ticket or beyond authorised distance.

95. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare for the distance which he has travelled, or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined, or, in case of their having been examined more than once, were last examined.

Section 95.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorised by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall,—

(a) where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, be one rupee, two annas, or eight annas, and,

(b) in any other case, be six rupees, one rupee, or three rupees, according as the passenger is travelling or has travelled or has attempted to travel in a carriage of the highest class or in a carriage of the lowest class or in a carriage of any other class or kind :

Provided that such excess charge shall in no case exceed,—

(a) where the liability to pay it arises under sub-section (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section, or

(b) where such liability arises under sub-section (2), the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made.

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf, be recovered by the Magistrate from the passenger as if it were a fine

Sections 96-99.

imposed on the passenger by the Magistrate and shall, as it is recovered, be paid to the railway administration.

Transferring
* any half of
return ticket.

96. If a person sells or attempts to sell, or parts or attempts to part with the possession of, *any half* of a return ticket in order to enable any other person to travel therewith, or purchases such half of a return ticket, he shall be punished with fine which may extend to fifty rupees, and, if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the † journey authorized by the ticket.

Disposal of
fine under the
two last
foregoing
sections.

97. That portion of any fine imposed under section 94 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government of His Highness the Maharaja.

Altering or
defacing pass
or ticket.

98. If a passenger wilfully alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees.

Being or suf-
fering person
to travel on
railway with
infectious or
contagious
disorder.

99. (1) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 55, sub-section (2), he, and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

(2) If any such railway servant as is referred to in section 55, sub-section (2), knowing that a person is suffering from any infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

* * The words 'any half' were substituted for the original words 'the return half' by Section 7 of Regulation X of 1919.

† The word 'return' was repealed by Section 7 of Regulation X of 1919.

Sections 100-103.

100. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

Entering carriage in motion, or otherwise improperly travelling on a railway.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by any railway servant.

101. If a male person, knowing a carriage, compartment, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful excuse, or having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

102. If a person in any railway carriage or upon any part of a railway—

Drunkennes or nuisance on a railway.

(a) is in a state of intoxication, or

(b) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(c) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp,

he shall be punished with fine which may extend to fifty rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

103. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Obstructing railway servant in his duty.

Sections 104-107.

Trespass and refusal to desist from trespass.

104. (1) If a person unlawfully enters upon a railway, he shall be punished with fine which may extend to twenty rupees.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

105. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with fine which may extend to twenty rupees.

Opening or not properly shutting gate.

106. In either of the following cases, namely :—

(a) if a person knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any animal, vehicle or other thing across the railway,

(b) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

Cattle-trespass.

107. (1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

(2) If any cattle are wilfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle, or, at the option of the railway administration, the owner of the cattle, shall be punished with fine which may extend to ten rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-pass Act, 1871.

Sections 108-110.

(3) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by section 25 of the Cattle-trespass Act, 1871.

(4) The expression "public road" in sections 11 and 26 of the Cattle-trespass Act, 1871. shall be deemed to include a railway, and any railway servant may exercise the powers conferred on officers of police by the former of those sections.

(5) The word "cattle" has the same meaning in this section as in the Cattle-trespass Act, 1871.

108. If a person unlawfully—

(a) puts or throws upon or across any railway any wood, stone or other matter or thing, or

(b) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

(c) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(d) makes or shows, or hides or removes, any signal or light upon or near to any railway, or

(e) does or causes to be done or attempts to do any other act or thing in relation to any railway,

with intent, or with knowledge that he is likely, to endanger the safety of any person travelling or being upon the railway, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

109. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling-stock forming part of a train any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part of the same train, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

110. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

Maliciously wrecking or attempting to wreck a train.

Maliciously writing or attempting to hurt persons travelling by railway.

Endangering safety of persons travelling by wilful act or omission.

Sections 111-114.

Endangering
safety of per-
sons travell-
ing by rash
or negligent
act or omis-
sion.

111. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon a railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Special provi-
sion with
respect to the
commission
by children of
acts endang-
ing safety of
persons tra-
velling by
railway.

112. (1) If a minor under the age of twelve years is, with respect to any railway, guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as if it were a fine imposed by itself.

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

Procedure.

Arrest for
offences
against cer-
tain sections.

113. (1) If a person commits any offence mentioned in section 82, 83, 101, 102, 103, 108, 109, 110 or 111 or in section 112, sub-section (1), he may be arrested without warrant or other written authority by any railway servant or police officer, or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or commit him for trial.

Arrest of per-
sons likely to
abscond or
unknown.

114. (1) If a person commits any offence under this Regulation other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under section 95, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the

Sections 115-117.

name or address given by him is incorrect, any railway servant or police-officer, or any other person whom such railway servant or police-officer may call to his aid, may, without warrant or other written authority, arrest him.

(2) The person arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties, for his appearance before a Magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest Magistrate having jurisdiction.

(4) The provisions of Chapters XXXIX and XLII of the Code of Criminal Procedure, 1882, as introduced into Mysore by Regulation I of 1886* shall, so far as may be, apply to bail given and bonds executed under this section.

115. No Magistrate other than a Magistrate whose powers are not less than those of a magistrate of the second class shall try any offence under this regulation.

Magistrates
having juris-
diction under
Regulation.

116. (1) Any person committing any offence against this Regulation or any rule thereunder, shall be triable for such offence in any place in which he may be or which the Government of His Highness the Maharaja may notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

Place of trial.

(2) Every notification under sub-section (1) shall be published in the official Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at each of such railway stations as the Government of His Highness the Maharaja may direct.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

117. Notwithstanding anything to the contrary in any enactment, or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of railways and from railway administrations in aid of the funds of local authorities, namely :—

Taxation of
railways by
local authori-
ties.

(1) A railway administration shall not be liable to pay any tax in aid of the funds of any local authority

* See now Regulation II of 1904.

Section 118.

unless the Government of His Highness the Maharaja has, by notification in the official Gazette, declared the railway administration to be liable to pay the tax.

(2) While a notification of the Government of His Highness the Maharaja under clause (1) of this section is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Government of His Highness the Maharaja may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(3) The Government of His Highness the Maharaja may at any time revoke or vary a notification under clause (1) of this section.

(4) Nothing in this section is to be construed as debarring any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) "Local authority" in this section means a Municipal Committee, District Board or other authority legally entitled to, or entrusted by the Government of His Highness the Maharaja with the control or management of a municipal or local fund, and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river.

Restriction on
execution
against rail-
way property.

118. (1) None of the rolling-stock, machinery, plant tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any Court* or of any local authority or person having by law power to attach or distrain property or otherwise cause property to be taken in execution* without the previous sanction of the Government of His Highness the Maharaja.

(2) Nothing in sub-section (1) is to be construed as affecting the authority of any court to attach the earnings of a railway in execution of a decree or order.

Sections 119-121.

119. (1) Every railway servant shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code.

(2) In the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of sub-section (1), be deemed to include any employer of a railway servant as such.

(3) A railway servant shall not—

(a) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 39 or section 40, or,

(b) in contravention of any direction of the railway administration in this behalf, engage in trade,

(4) Notwithstanding anything in section 21 of the Indian penal Code, a railway servant shall not be deemed to be a public servant for any of the purposes of that Code except those mentioned in sub-section (1).

Railway servants to be public servants for the purposes of Chapter IX of the Indian Penal Code.

Procedure for summary delivery to railway administration of property detained by a railway servant.

120. If a railway servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, any Magistrate of the first class may, on application made by or on behalf of the railway administration, order any police-officer, with proper assistance, to enter upon the building and remove any person found therein and take possession thereof, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or a person appointed by the railway administration in that behalf.

121. Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Government of His Highness the Maharaja, for any of the purposes of, or in relation to, this Regulation or any of

Mode of signifying communications from the Government of His Highness the Maharaja.

Sections 122-124.

the powers or provisions therein contained, shall be sufficient and binding if in writing signed by a Secretary, Deputy Secretary, Under-Secretary or Assistant Secretary to the Government of His Highness the Maharaja, or by any other officer or servant authorized to act on behalf of the Government of His Highness the Maharaja in respect of the matters to which the same may relate, and the Government of His Highness the Maharaja shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.

Service of
notices on
railway
administra-
tions.

122. Any notice or other document required or authorized by this Regulation to be served on a railway administration may be served, in the case of a railway administered by the Government of His Highness the Maharaja, on the Manager and, in the case of a railway administered by a railway company, on the Agent in India of the railway company—

- (a) by delivering the notice or other document to the Manager or Agent, or
- (b) by leaving it at his office, or
- (c) by forwarding it by post in a prepaid letter addressed to the Manager or Agent at his office and registered under Part III of the Indian Post Office Act, 1866.*

Service of
notices by
railway
administra-
tions.

123. Any notice or other document required or authorized by this Regulation to be served on any person by a railway administration may be served—

- (a) by delivering it to the person, or
- (b) by leaving it at the usual or last known place of abode of the person, or
- (c) by forwarding it by post in a prepaid letter addressed to the person at his usual or last known place of abode and registered under Part III of the Indian Post Office Act, 1866.*

Presumption
where notice
is served by
post.

124. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other document was properly addressed and registered.

* See now the Indian Post Office Act, VI of 1896.

Sections 125-129.

125. (1) A rule under section 22 or section 67, or the cancellation, rescission or variation of a rule under any of those sections or under section 31, sub-section (4), shall not take effect until it has been published in the official Gazette.

Provisions
with respect
to rules.

(2) Where any rule made under this Regulation, or the cancellation, rescission or variation of any such rule, is required by this Regulation to be published in the official Gazette, it shall, besides being so published, be further notified to persons affected thereby in such manner as the Government of His Highness the Maharaja, by general or special order, directs.

(3) The Government of His Highness the Maharaja may cancel or vary any rule made by it under this Regulation.

126. (1) The manager of a railway administered by the Government of His Highness the Maharaja and the Agent in India of a railway administered by a railway company, may, by instrument in writing, authorise any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

Representa-
tion of Mana-
gers and
Agents of
Railways in
Courts.

(2) A person authorized by a Manager or Agent to conduct prosecutions on behalf of a railway administration shall, notwithstanding anything in section 495 of the Code of Criminal Procedure, 1882, as introduced into Mysore by Regulation I of 1886,* be entitled to conduct such prosecutions without the permission of the magistrate.

127. The Government of His Highness the Maharaja may, by notification in the official Gazette, extend this Regulation or any portion thereof to any tramway worked by steam or other mechanical power.

Power to
extend Regu-
lation to
steam-tram-
ways.

128. The Government of His Highness the Maharaja may, by a like notification, exempt any railway from any of the provisions of this Regulation.

Power to
exempt rail-
ways from
Regulation.

129. (1) For the purposes of section 3, clauses (5), (6), (7) and sections 4 to 19 (both inclusive), 31 to 36 (both inclusive), 43, 63, 66 to 74 (both inclusive), 78, 79, 80, 82, 83, 85, 86, 89, 93, 104, 106 to 114 (both inclusive), 116 to 120 (both inclusive), 122, 123, 126 and 128, the

Matters sup-
plemental to
the definitions
of "railway"
and railway
servant."

* See now Regulation II of 1904.

Section 130.

word "railway," whether it occurs alone or as a prefix to another word, has reference to a railway or portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in section 3, clause (4).

(2) For the purposes of sections 5, 21, 66, 82, 83, 85, 86, 103, 104, 107 and 119, sub-sections (1), (2) and (4), and section 170, the expression "railway servant" includes a person employed upon a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

Amendment
of the Indian
Penal Code.

130. In sections 194 and 195 of the Indian Penal Code, after the words "by this Code" insert the words "or any other law for the time being in force in the territories of Mysore."

SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(See Section 59.)

- (a) Gold and silver, coined or uncoined, manufactured or unmanufactured ;
- (b) plated articles ;
- (c) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier sailor, police—officer or person enrolled as a Volunteer under the Indian Volunteers Act, 1869, or of any public officer, British* or foreign, entitled to wear uniform ;
- (d) pearls, precious stones, jewellery and trinkets ;
- (e) watches, clocks, and timepieces of any description.
- (f) Government securities ;
- (g) Government stamps ;
- (h) bills of exchange, hundis, promissory-notes, bank-notes and orders or other securities for payment of money ;
- (i) maps, writings and title-deeds ;
- (j) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art ;
- (k) art pottery and all articles made of glass, China or marble ;

* Sic ; should be "Mysore."

Schedule.

- (l) silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials;
 - (m) shawls;
 - (n) lace and furs;
 - (o) opium;
 - (p) ivory, ebony, coral and sandalwood;
 - (q) musk, sandalwood-oil and other essential oils used in the preparation of *itr* or other perfume;
 - (r) musical and scientific instrument;
 - (s) any article of special value which the Government of His Highness the Maharaja may, by notification in the official Gazette, add to this schedule.
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REGULATION No. V of 1894.

(PASSED ON THE 22ND DAY OF JULY 1894.)

A Regulation to provide facilities for obtaining the Evidence and Appearance of Prisoners and for service of process upon them.

Preamble.

Whereas it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. This Regulation may be cited "The Mysore Prisoners' Testimony Regulation, 1894."

It shall extend to the whole of the territories of Mysore, and it shall come into force on the 1st day of August 1894.

Criminal Courts may make orders under Regulation.

2. Any Criminal Court not inferior to the Court of a Magistrate of the second class may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in Schedule A or B (as the case may be) to this Regulation annexed, directed to the officer in charge of the said Jail.

Civil Courts may make orders under Regulation.

3. Any Civil Court may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Civil Court, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

Court to countersign orders.

4. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating orders.

Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order necessary, and the District Judge may, after considering such statement, decline to to countersign the order.

Sections 5-8.

5. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the district or division of a district in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

Order to be transmitted through magistrate of District in which person is confined.

6. In any case in which a person is confined in a jail more than one hundred miles distant from the place where any Court subordinate to the *High Court* in which his evidence is required is held, the Judge or the presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Regulation for the purpose of giving evidence in such Court, apply in writing to the *High Court,* and such *High Court* may, if it think fit, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

Order by *High Court* for removal of person confined more than 100 miles from place where his evidence is required.

The *High Court* making the order shall send it to the Magistrate of the district or division of a district in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

7. Upon delivery of any order under this Regulation to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined, or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Prisoner to be brought up.

8. The Government of Mysore may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Regulation, other than those

Power to Government to exempt certain prisoners from operation of Regulation.

* The words "High Court" were substituted for the words "Chief Court" by Regulation XII of 1980.

Sections 9-10.

contained in sections 10 and 11, shall not apply to such person or class of persons.

When jailor
may disobey
orders.

9. When any person named in any order made under sections 2, 3, or 6 appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the district or division of a district in which such jail is situate, and if such Magistrate shall, by writing under his hand, declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending a trial or pending a preliminary investigation;

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Regulation and for taking him back to the jail in which he is confined;

then and in every such case, the officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued, a statement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when the order has been made under section 2, and the person named in the order is confined under committal for trial or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed, and the place where evidence is required is not more than five miles distant from the jail in which he is confined.

Commission
for examina-
tion of
prisoners.

10. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail, who for any of the causes mentioned in section 8 or 9 cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail, situated more than 10 miles distant from the place at which such Court is held, is material in any such matter.

Sections 11-14.

and in any case in which the District Judge shall, under section 4, have declined to countersign the order for removal,

the Court may, if it thinks fit, issue a commission under the provisions of the Code of Civil Procedure, for the examination of such person in the jail in which he is confined.

11. Every commission issued under section 10 shall be directed to the District Court of the district wherein the jail in which such person is confined is situate; and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

Commission how to be directed.

12. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process how served on prisoners.

13. Every officer in charge of a jail upon whom any such service as is mentioned in section 12 shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Process served to be transmitted at prisoner's request.

Such certificate shall be sufficient *prima facie* evidence of the service of such process; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same to be so sent through the post office by registered letter.

14. No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court.

Deposit costs.

Provided that, if upon any application for such order, it appears to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such

Sections 15-17.

Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

Power to
make rules.

15. It shall be lawful for the Government of Mysore to make rules consistent with this Regulation—

- (1) for regulating the escort of prisoners to and from the Court in which their presence is required ;
- (2) for regulating the amount to be allowed for the costs and charges of such escort ; and
- (3) for the guidance of officers in all other matters connected with the enforcement of this Regulation ;

and from time to time to alter and add to the rules so made.

Publication
of rules.

16. All such rules, alterations and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Power to
declare who
shall be
deemed
"officer in
charge of
jail."

17. The Government of Mysore may also declare in each case what officer shall, for the purposes of this Regulation, be deemed to be "the officer in charge of the jail."

SCHEDULE A.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of _____, now a prisoner in _____, under safe and sure conduct before the _____ at _____ on the _____ day of _____ next by _____ of the clock in the forenoon of the same day, there to give testimony in a case now pending before _____ or in a certain charge or prosecution now pending before _____ against _____ or as the case may be], and after the said _____ shall then and there have given his testimony before the said _____ or the said _____ shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of

A. B.

(Countersigned) C.D.

Schedule B.

SCHEDULE B.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of _____, now a prisoner in _____, under safe and sure conduct before the _____ at _____ the _____ day of _____ next by _____ of the clock in the forenoon of the same day, there to answer a charge now pending before and, after such charge shall have been disposed of or the said _____ shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of _____

A. B. _____

(Countersigned) C.D.

REGULATION No. VI. OF 1894. .

(PASSED ON THE 22ND DAY OF JULY 1894.)

A Regulation to further amend the Mysore Civil Courts' Regulation, 1 of 1883.

Preamble.

Whereas it is expedient to further amend the Mysore Civil Courts' Regulation, I of 1883; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a proviso after clause (c) of section 4.

1. After clause (c) of section 4, the following shall be inserted, namely:—

“ Provided further that in emergent cases, *i. e.*, in the event of the death of a Munsiff, or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the *High Court* may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office.”

*The words " High Court " were substituted for " Chief Court " by Regulation XII of 1930.

REGULATION No. VII OF 1894.
The Mysore Land Acquisition Regulation.

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REGULATION No. VII OF 1894.

(PASSED ON THE 25TH DAY OF SEPTEMBER 1894.)

A Regulation to amend the law for the Acquisition of Land for Public Purposes and for Companies.

Preamble.

Whereas it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Regulation may be called the Mysore Land Acquisition Regulation, 1894.

(2) It extends to the whole of the territories of Mysore; and

(3) It shall come into force at once.

Repeal.

2. (1) The Land Acquisition Act, 1870, is hereby repealed.

(2) But all proceedings commenced, officers appointed or authorized, agreements published, and rules made under the said Land Acquisition Act, shall, as far as may be, be deemed to have been respectively commenced, appointed or authorized, published, and made under this Regulation.

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(b) the expression “person interested” includes all persons claiming an interest in compensation to be

Section 3.

made on account of the acquisition of land under this Regulation; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land :

(c) the expression "Deputy Commissioner" means the Deputy Commissioner of a district, and includes* the Assistant Commissioner in charge of a revenue Sub-Division and* any officer specially appointed by the Government of Mysore to perform the functions of a Deputy Commissioner under this Regulation :

(d) the expression "Court" means a principal Civil Court of original jurisdiction, unless the Government of Mysore has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Regulation :

(e) the expression "Company" means a Company registered under the law for the time being in force relating to Companies in the territories of Mysore, or under the Indian Companies Act 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent :

(f) the expression "public purpose" includes the provision of village sites :

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability ;

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age ; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted :

Section 4.

Provided that—

(i) no person shall be deemed “entitled to act” whose interest in the subject-matter shall be shown to the satisfaction of the Deputy Commissioner or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act:

(ii) in every such case the person interested may appear by a next friend, or in default of his appearance by a next friend, the Deputy Commissioner or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Deputy Commissioner or Court by a next friend, or by a guardian for the case, in proceedings under this Regulation; and

(iv) no person “entitled to act” shall be competent receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

ACQUISITION.

Preliminary Investigation.

Publication
of prelimi-
nary
notification
and powers of
officers there-
upon.

4. (1) Whenever it appears to the Government of Mysore that land in any locality (a) is needed or (a) is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Deputy Commissioner shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by the Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any
land in such locality;

to dig or bore into the subsoil; -

[a-a] Inserted by para 2 of Regulation I of 1927.

Section 5A.

to do all other acts necessary to ascertain whether the land is adapted for such purpose;
 to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
 to mark such levels, boundaries, and line by placing marks and cutting trenches; and
 where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence, or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Deputy Commissioner or other chief revenue-officer of the district, and such decision shall be final.

Payment
damage

Objections.

*5A. (1) Any person interested in any land which has been notified under Section 4, Sub-Section (1) as being needed or likely to be needed for a public purpose or for a company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

Hearing
objection

(2) Every objection under Sub-Section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give the objector an opportunity of being heard either in person or by pleader and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Government on the objections shall be final.

* Section 5A was inserted by Regulation I of 1927.

Sections 6-8.

(3) For the purposes of this Section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation, if the land were acquired under this Regulation.

Declaration of intended Acquisition.

Declaration that land is required for a public purpose.

6. (1) Subject to the provisions of Part VII of this Regulation, [*] when the Government is satisfied, after considering the report, if any, made under section 5A, Sub-Section (2) [*] that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders :

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be ; and, after making such a declaration, the Government of Mysore may acquire the land in manner hereinafter appearing.

After declaration, Deputy Commissioner to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Government of Mysore, or some officer authorized by the Government of Mysore in this behalf, shall direct the Deputy Commissioner to take order for the acquisition of the land.

Land to be marked out, measured, and planned.

8. The Deputy Commissioner shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

[*-*] Substituted for the original by Section 4 of Regulation I of 1927.

Sections 9-10.

9. (1) The Deputy Commissioner shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such lands may be made to him.

Notice to
persons
interested.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Deputy Commissioner at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Deputy Commissioner may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Deputy Commissioner shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested reside elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address, or place of business, and registered under Part III of the Indian Post Office Act, 1866.*

10. (1) The Deputy Commissioner may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

Power to
require and
enforce the
making of
statements as
to names and
interests.

*See now the Indian Post Office Act VI of 1898.

Sections 11-13.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Enquiry into Measurements, Value and Claims, and Award by the Deputy Commissioner.

Enquiry and award by Deputy Commissioner.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land, * at the date of publication of the notification under section 4, sub-section (1) * and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Award of Deputy Commissioner when to be final.

12. (1) Such award shall be filed in the Deputy Commissioner's Office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Deputy Commissioner and the persons interested, whether they have respectively appeared before the Deputy Commissioner or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Deputy Commissioner shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

Adjournment of enquiry.

13. The Deputy Commissioner may, for any cause he thinks fit, from time to time, adjourn the enquiry to a day to be fixed by him.

Sections 14-17.

14. For the purpose of enquiries under this Regulation the Deputy Commissioner shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.

Power to summon and enforce attendance of witnesses and production of documents.

15. In determining the amount of compensation, the Deputy Commissioner shall be guided by the provisions contained in sections 23 and 24.

Matters to be considered and neglected.

Taking Possession.

16. When the Deputy Commissioner has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

Power to take possession.

17. (1) In cases of urgency, whenever the Government of Mysore so directs, the Deputy Commissioner, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

Special powers in cases of urgency.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river side or ghat station, or of providing convenient connection with or access to any such station, the Deputy Commissioner may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Government of Mysore, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Provided that the Deputy Commissioner shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do or such longer notice as may be reasonably sufficient to enable

Section 18.

such occupier to remove his moveable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Deputy Commissioner shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

* (4) In the case of any land to which in the opinion of the Government, the provisions of sub-section (1) or sub-section (2) are applicable, the Government may direct that the provisions of section 5A shall not apply, and if it does so direct, a declaration may be made under section 6, in respect of the land at any time after the publication of the notification under section 4, sub-section (1). *

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference to
Court.

18. (1) Any person interested who has not accepted the award, may, by written application to the Deputy Commissioner, require that the matter be referred by the Deputy Commissioner for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

(a) if the person making it was present or represented before the Deputy Commissioner at the time when he made his award within six weeks from the date of the Deputy Commissioner's award;

(b) in other cases, within six weeks of the receipt of the notice from the Deputy Commissioner under section 12, sub-section (2), or within six months from the date of

Sections 19-21.

the Deputy Commissioner's award, whichever period shall first expire.

* (3) On receipt of such application the Deputy Commissioner shall make the reference to the Court. *

19. (1) In making the reference, the Deputy Commissioner shall state, for the information of the Court, in writing under his hand,—

Deputy Commissioner's statement to the Court.

- (a) the situation and extent of the land, with particulars of any trees, buildings, or standing crops thereon;
- (b) the names of the persons whom he has reason to think interested in such land;
- (c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and,
- (d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely :—

Service of notice.

- (a) the applicant;
- (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Deputy Commissioner.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Restriction on scope of proceedings.

Sections 22-23.

Proceedings
to be in open
Court.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the Province shall be entitled to appear, plead, and act (as the case may be) in such proceeding.

Matters to be
considered in
determining
compensa-
tion.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Regulation the Court shall take into consideration—

first, the market value of the land at the date of the publication of the * Notification under section 4, sub-section (1). *

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Deputy Commissioner's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Deputy Commissioner's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Deputy Commissioner's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immoveable, in any other manner, or his earnings;

fifthly, if, in consequence of the acquisition of the land by the Deputy Commissioner, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration, under section 6 and the time of the Deputy Commissioner's taking possession of the land.

(2) In addition to the market value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition.

[*.*] Substituted for the original by para 8 of Regulation, I of 1927.

Sections 24-25.

24. But the Court shall not take into consideration,—

Matters to be neglected in determining compensation.

- first*, the degree of urgency which has led to the acquisition ;
- secondly*, any disinclination of the person interested to part with the land acquired ;
- thirdly*, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;
- fourthly*, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put ;
- fifthly*, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;
- sixthly*, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put : or,
- seventhly*, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Deputy Commissioner after the date of the publication of the * Notification under section 4, sub-section (1) *

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Deputy Commissioner under section 11.

Rules as to amount of compensation.

(2) When the applicant has refused to make such claim, or has omitted without sufficient reason to be allowed by the Judge to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Deputy Commissioner.

(3) When the applicant has omitted for sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Deputy Commissioner.

[*.*] Substituted for the original by section 9 of Regulation I of 1927.

Sections 26-30.

Form of
awards.

26. Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

Costs.

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Deputy Commissioner is not upheld, the costs shall ordinarily be paid by the Deputy Commissioner unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Deputy Commissioner that some deduction from his costs should be made or that he should pay a part of the Deputy Commissioner's costs.

Deputy Commissioner may be directed to pay interest on excess compensation.

28. If the sum which, in the opinion of the Court, the Deputy Commissioner ought to have awarded as compensation is in excess of the sum which the Deputy Commissioner did award as compensation, the award of the Court may direct that the Deputy Commissioner shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Deputy Commissioner may refer such dispute to the decision of the Court.

Section 31.

PART V.

PAYMENT.

31. (1) On making an award under section 11, the Deputy Commissioner shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

Payment of compensation or deposit of same in Court.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted :

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount :

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18 :

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Regulation, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Deputy Commissioner may, with the sanction of the Government of Mysore, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable, having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Deputy Commissioner to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

Sections 32-33.

Investment
of money
deposited in
respect of
lands
belonging
to persons
incompetent
to alienate.

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

- (a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or
- (b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would, for the time being, have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

- (i) in the purchase of such other lands as aforesaid; or
- (ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies, the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Deputy Commissioner, namely :—

- (a) the cost of such investments as aforesaid ;
- (b) the cost of the orders for the payment of the interests or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

Investment
of money
deposited in
other cases.

33. When any money shall have been deposited in Court under this Regulation for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be

Sections 34-35.

invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Deputy Commissioner shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

Payment of
interest.

PART VI.

TEMPORARY OCCUPATION OF LAND.

35. (1) Subject to the provisions of Part VII of this Regulation, whenever it appears to the Government of Mysore that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Government of Mysore may direct the Deputy Commissioner to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

Temporary
occupation of
waste or
arable land.
Procedure
when differ-
ence as to
compensation
exists.

(2) The Deputy Commissioner shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Deputy Commissioner and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Deputy Commissioner shall refer such difference to the decision of the Court.

Sections 36-39.

Power to enter and take possession and compensation on restoration.

36. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the Deputy Commissioner may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Deputy Commissioner shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein :

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Government of Mysore shall proceed under this Regulation to acquire the land as if it was needed permanently for a public purpose or for a Company.

Difference as to condition of land

37. In case the Deputy Commissioner and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Deputy Commissioner shall refer such difference to the decision of the Court.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

Company may be authorized to enter and survey.

38. (1) The Government of Mysore may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

Previous consent of Government and execution of agreement necessary.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Government of Mysore, nor unless the Company shall have executed the agreement hereinafter mentioned.

Sections 40-41.

40. (1) Such consent shall not be given unless the Government of Mysore be satisfied (*) either on the report of the Deputy Commissioner under section 5 A, sub-section (2) or (*) by an enquiry held as hereinafter provided,—

Previous
enquiry.

(a) that such acquisition is needed for the construction of some work, and

(b) that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the Government of Mysore shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

41. (†) If the Government is satisfied after considering the report, if any, of the Deputy Commissioner, under section 5A, sub-section 2, or on the report of the officer making an inquiry under section 40, (†) is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as it may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Government of Mysore providing for the following matters, namely:—

Agreement
with Govern-
ment of
Mysore.

- (1) the payment to Government of the cost of the acquisition;
- (2) the transfer, on such payment, of the land to the Company;
- (3) the terms on which the land shall be held by the Company;
- (4) the time within which, and the conditions on which, the work shall be executed and maintained; and
- (5) the terms on which the public shall be entitled to use the work.

[*—*] Inserted by section 10 of Regulation, I of 1927.

[†—†] Substituted for the original by section 11 of Regulation I of 1927.

Sections 42-45.

Publication
of agreement.

42. Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Regulation.

Sections 39 to
42 not to
apply where
Government
bound to pro-
vide land for
Companies.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which the Government is, or was, bound to provide land.

How such
obligation
may be
proved.

44. The obligation mentioned in section 43 may be proved by any memorandum, certificate, or order, issued by Government.

PART VIII.

MISCELLANEOUS.

Service of
notices.

45. (1) Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Deputy Commissioner or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Deputy Commissioner or in the Court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Deputy Commissioner or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address, or place of business, and registered under Part III of the Indian Post Office Act, 1866,* and

*See now the Indian Post Office Act, VI of 1898.

Sections 46-49.

service of it may be proved by the production of the addressee's receipt.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Penalty for obstructing acquisition of land.

47. If the Deputy Commissioner is opposed or impeded in taking possession under this Regulation of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate who shall enforce the surrender of the land to the Deputy Commissioner.

Magistrate to enforce surrender.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

(2) Whenever the Government withdraws from any such acquisition, the Deputy Commissioner shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Regulation relating to the said land.

(3) The provisions of Part III of this Regulation shall apply, so far as may be, to the determination of the compensation payable under this section.

49. (1) The provisions of this Regulation shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building, if the owner desire that the whole of such house, manufactory, or building, shall be so acquired:

Acquisition of part of house or building.

Provided that the owner may, at any time before the Deputy Commissioner has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory, or building, shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Regulation does or not form part of a house, manufactory, or

Sections 50-52.

building within the meaning of this section, the Deputy Commissioner shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory, or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the Government of Mysore is of opinion that the claim is unreasonable or excessive, it may, at any time before the Deputy Commissioner has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Deputy Commissioner shall without delay furnish a copy of the order of the Government of Mysore to the person interested, and shall thereafter proceed to make his award under section 11.

Acquisition
of land at cost
of a local
authority or
Company.

50. (1) Where the provisions of this Regulation are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Deputy Commissioner or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

Exemption
from stamp-
duty and fees.

51. No award or agreement made under this Regulation shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Notice in
case of suits
for anything
done in
pursuance of
Regulation.

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Regulation, without giving to such person a month's previous notice in writing of the intend-

Sections 53-55.

ed proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Save in so far as they may be inconsistent with anything contained in this Regulation, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Regulation.

Code of Civil Procedure to apply to proceedings before Court.

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the *High Court* from the award or from any part of the award of the Court in any proceedings under this Regulation.

Appeals in proceedings before Court.

55. (1) The Government of Mysore shall have power to make rules consistent with this Regulation for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

Power to make rules.

(2) All such rules, alterations, and additions, shall be published in the official Gazette, and shall thereupon have the force of law.

*. The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

REGULATION No. X of 1894.

(PASSED ON THE 5TH DAY OF OCTOBER 1894.)

A Regulation to Prevent Infant Marriages in the Territories of Mysore.

- Preamble.** Whereas it is expedient to prevent infant marriages in the territories of Mysore: His Highness the Maharaja is pleased to enact as follows:—
- Short title.** 1. This Regulation may be called “The Mysore Infant Marriages Prevention Regulation.”
- Extent and commencement.** (2) It shall extend to the whole of the territories of Mysore, but it shall apply only to marriages among the Hindus. It shall come into operation at the expiration of six months from the date of its publication in the official Gazette.
- Definition.** 2. For the purposes of this Regulation, an “infant girl” means a girl who has not completed eight years of age.
- Punishment for causing or abetting infant marriages.** 3. Any person who causes the marriage of an infant girl, or who knowingly aids and abets within the meaning of the Indian Penal Code such a marriage, and any man who having completed eighteen years of age marries an infant girl, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.
- Punishment of a man above fifty years marrying a girl under fourteen.** 4. Any man who having completed fifty years of age marries a girl who has not completed fourteen years of age, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
- Punishment for abetment of offence provided against in section 4.** 5. Any person who causes the marriage of a girl who has not completed fourteen years of age, with a man who has completed fifty years of age, and any person who knowingly aids and abets, within the meaning of the Indian Penal Code, such a marriage, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Sections 6-8.

6. No offence punishable under this Regulation shall be tried by any Court inferior to that of a Magistrate of the District.

Offences
under the
Regulation
by whom
triable.

7. No marriage which has actually taken place, shall be deemed to be invalid on the ground of the penalties provided by this Regulation.

Validity of
marriages not
to be affected
by reason of
the penalties
provided.

8. No prosecution under this Regulation shall be instituted without the previous written sanction of the Government accorded after such enquiry as the Government may deem fit to make.

No prosecu-
tion to be
instituted
without the
previous
sanction of
Government.

REGULATION No. I OF 1895.

(PASSED ON THE 21ST DAY OF JUNE 1895)

A Regulation for the Prevention of Cruelty to An

Whereas it is expedient to make further provision for the prevention of cruelty to animals; Her Highness the Maharani-Regent is pleased to enact as follows:—

Title.

1. (1) This Regulation may be called the Prevention of Cruelty to Animals Regulation, 1895.

Commencement and extent,

(2) It shall come into force in the City of Bangalore on the 27th day of June 1895; and the Government of Mysore may, by notification in the official Gazette, extend on and from a date to be specified in the notification, the whole or any part of this Regulation to such other local areas, in which there is a resident Magistrate, as it may think fit.

and supersession of Bengal Act 1 of 1869.

(3) The Government of Mysore may cancel or vary a notification issued under the last foregoing sub-section.

(4) On this Regulation coming into force, Bengal Act No. I of 1369 (An Act for the Prevention of Cruelty to Animals) extended in part to the territories of Mysore by the Government of India Notification No. 7 J., dated 5th February 1878, shall except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced, cease to have effect in the territories of Mysore.*

Definitions.

2. In this Regulation, unless there is something repugnant in this subject or context,

(1) "animal" means any domestic or captured animal; and

(2) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

Penalty for cruelty to animals in public places and for sale in such places of animals killed with unnecessary cruelty.

3. If any person in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or in any such other place,—

(a) cruelly and unnecessarily beats, overdrives, overloads, or otherwise ill-treats any animal, or

* Bengal Act I of 1869, which was in force only in the town of Bangalore within municipal limits and had not been extended to other places, is thus virtually repealed.

Sections 4-6.

(b) binds or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering, or

(c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner,

he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

4. If any person performs upon any cow the operation called phuka, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty for practising phuka.

5. If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for killing animals with unnecessary cruelty anywhere.

6. (1) If any person employs in any work or labor any animal which, by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be sold employed, he shall be punished with fine which may extend to one hundred rupees.

Penalty for employing anywhere animals unfit for labour.

(2) The Government of Mysore may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against sub-section (1) have been committed.

(3) The Magistrate before whom a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary and be there detained until it is, in his opinion or in the opinion of some other Magistrate, again fit for the work or labour on which it has been ordinarily employed.

(4) The cost of the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the District Magistrate may from time to time prescribe.

Sections 7-11.

(5) If the owner refuses or neglects to pay such cost and to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of the sale shall, on application made by the owner within two months after the date of the sale, be paid to him; but the owner shall not be liable to make any payment in excess of the proceeds of the sale.

Penalty for permitting diseased animals to go at large or to die in public places:

7. If any person wilfully permits any animal of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine which may extend to one hundred rupees.

Search-warrants.

8. (1) If a Magistrate of the first class, Sub-Divisional Magistrate or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 4, section 5 or section 6 is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorize any police-officer above the rank of a constable to enter and search the place.

(2) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search under sub-section (1).

Limitation of prosecution.

9. A prosecution for an offence against this Regulation shall not be instituted after the expiration of three months from the date of the commission of the offence.

Destruction of suffering animals.

10. When any Magistrate or District Superintendent of Police has reason to believe that an offence against this Regulation has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion its sufferings are such as to render such a direction proper.

Saving with respect to religious rites and usages.

11. Nothing in this Regulation shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class.

REGULATION No. I OF 1897.

PASSED ON THE 9TH DAY OF FEBRUARY 1897.

A Regulation to amend the Mysore Legal Practitioners' Regulation, III of 1884.

Whereas it is expedient to amend "The Mysore Legal Practitioners' Regulation, 1884"; Her Highness the Maharani-Regent is pleased to enact as follows :—

Preamble.

1. To section 3 of the said Regulation, the following shall be added, namely :—

Addition to section 3, Regulation III, 1884.

Tout.

'Tout' means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration."

2. For section 13 of the said Regulation, the following shall be substituted, namely :—

Substitution of new section for section 13. Regulation III, 1884.

"13 A. The * High Court * may suspend or dismiss any Legal Practitioner enrolled under the foregoing provisions, who shall be convicted of any criminal offence implying a defect of character which unfits him to be a Legal Practitioner.

Suspension and dismissal of Legal Practitioners convicted of criminal offence.

13B. The *High Court* may also, after such inquiry as it thinks fit, suspend or dismiss any Legal Practitioner enrolled as aforesaid—

Suspension and dismissal of Legal Practitioners, guilty of unprofessional conduct.

(a) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognised agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions, or

(b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty ; or

(c) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Legal Practitioner ; or

— The words "High Court" were substituted for the words "Chief Court" by Regulation XII of 1930.

Sections 3-4.

(d) who, directly or indirectly, procures or attempts to procure the employment of himself as such Legal Practitioner through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given; or

(e) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 28; or

(f) for any other reasonable cause."

Alteration of
section 14,
Regulation
III, 1884.

3. For the first sentence in section 14 of the said Regulation the following shall be substituted, namely:—

• "If a Judge of any Court subordinate to the *High Court* is of opinion that there are grounds for proceeding under the provisions of section 13 B against a Legal Practitioner practising in such Court, such Judge shall cause a formal charge to be drawn up setting forth concisely the said grounds, and shall send a copy of the said charge to him, and also a notice that on a day therein appointed such charge will be taken into consideration."

Substitution
of new section
for section
28, Regula-
tion III,
1884-
Power to
frame and
publish lists
of touts.

4. For section 23 of the said Regulation the following shall be substituted, namely:—

"28. (1) The *High Court* the District and Sessions Judge, and the District Magistrate may each, as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout for the purpose of section 13 B, clause e)."

— The words "High Court" were substituted for the words "Chief Court" by Regulation XII of 1930.

REGULATION No. II OF 1897.

PASSED ON THE 11TH DAY OF FEBRUARY 1897.

A Regulation to provide for the prevention of the outbreak or spread of dangerous Epidemic Disease.

Whereas it is expedient to provide for the prevention of the outbreak or spread of dangerous epidemic disease in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows :—

Preamble.

1. (i) This Regulation may be called “The Epidemic Diseases Regulation, 1897;”

Title.

(ii) It extends to the whole of the territories of Mysore; and

Extent.

(iii) It shall come into force at once.

Commence-
ment.

2. (i) When at any time the Government of Mysore is satisfied that Mysore or any part thereof is visited or threatened with, an outbreak of any dangerous epidemic disease, the said Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation, if any) shall be defrayed.

Power to take
special mea-
sures and
prescribe
regulations as
to dangerous
epidemic
disease.

(ii) The Government of Mysore may require or empower any person to take such measures as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(iii) In particular, and without prejudice to the generality of the foregoing provisions, the Government of Mysore may take measures and prescribe regulations for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

3. Any person disobeying any regulation or order made under this Regulation shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

Penalty.

4. No suit or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done, under this Regulation.

Protection to
persons acting
under Regu-
lation.

REGULATION No. IV OF 1897.

(PASSED ON THE TWELFTH DAY OF DECEMBER 1897.)

The Sringeri Jaghir Inam Settlement Regulation.**Preamble.**

Whereas the Jaghir of Sringeri as defined in the Schedule hereunto annexed, vests in the Guru of the Sringeri Matt for the time being; whereas the present Guru of the said Mutt, His Holiness Srimat Paramahansa Parivrajakacharya Satchidananda Sivabhinava Narasimha Bharati Swami, has made an application to the Government of Mysore to make a settlement of the Minor Inams, within the said Jaghir of Sringeri; whereas the Minor Inams, granted or recognised by the Sovereign of the time, or granted by the Guru of the said Mutt, for the support of Temples and Agraharas, or for other purposes, have, in some cases, been unauthorizedly alienated, and in other cases, the objects of the grant have ceased to exist; and whereas both in compliance with the request of the Guru and for the important purpose of establishing fixity of title and tenure within the Jaghir, the Government of Mysore deems it necessary to direct an investigation into the validity of all existing Inams held within the Jaghir, and their settlement: Her Highness the Maharani-Regent has been pleased to enact as follows:—

**Short title.
Commence-
ment.**

1. This Regulation shall be called "The Sringeri Jaghir Inam Settlement Regulation, 1897." And it shall come into force on the date of the passing thereof.

**Introduction
of Inam
Settlement.**

2. It shall be lawful for the Government of Mysore, whenever it may deem expedient, to direct an investigation into, and the settlement of, Inams within the Jaghir of Sringeri.

**Settlement
how to be
conducted.**

3. The settlement mentioned in the last preceding section shall be conducted in accordance with the Inam Rules in force in Mysore in so far as they may be applicable, and under such further rules, as, owing to the peculiar conditions of land tenure in the Jaghir, the Government of Mysore may, from time to time, make for the proper carrying out of the Inam settlement in the said Jaghir. The Rules made under this section, when published in the official Gazette, shall have the force of law.

Sections 4-5.

4. The settlement effected, and the rights and obligations ascertained, determined and defined under the provisions of the last preceding section, shall be binding upon the Jaghirdar and upon all other persons holding, or having an interest in, land in the Jaghir. On any question decided by the settlement made under this Regulation, an appeal shall lie to the Government of Mysore whose decision thereon shall be final.

Finality of Settlement.

5. It shall not be competent for any Court in the State to question the validity of any settlement made under this Regulation.

Incompetency of Courts to question validity of settlement.

SCHEDULE SHOWING THE BOUNDARIES OF THE
SRINGERI JAGHIR.

The Jaghir is situated in the centre of the Koppa Taluk and is bounded on the—

North by—the Government villages of Hegarsu, Talgod, Kanchi, Malali, Hoshalli, Melbelari, Herur, Chitravalli, Abali, Kammarhalli, Pudevani and Haivalli.

East by—part of the Tunga River and the Government villages of Nidadali, Bhuvankoti, Balavankodagi, Aradavalli, Kodago, Kulgar, Kelkoppa, Dayambali, Gumata, Yadur, Kagadi, Kachige and Heggur.

South by—the Government villages of Alaki, Nemmar Majare Valali, Malnadu, Huralikanu, Harur and Handalmane and Kodkani and part of the Tunga River.

West by—the Government villages of Kachodi, Surgodu, Gubgodu, Gundaghatta, Kadesirur, Honekodagi, Migga and Kannangi.

ii. A portion of the Koppa taluk shown on the Revenue Survey map as “Part of Sringeri” is situated to the north-west of Sringeri Jaghir proper, and is bounded on the—

North by—the Government villages of Hukali and Nilandur.

East by—the Government village of Heggarsu.

South and West by—a river flowing beside the Government villages of Kanangi and Betgeri.

REGULATION No. II OF 1898.

(PASSED ON THE 30TH DAY OF MAY 1898.)

A Regulation to further amend the Mysore Civil Courts' Regulation, I of 1883, as amended by Regulations V of 1892 and VI of 1894.

Preamble.

Whereas it is expedient to further amend the Mysore Civil Courts' Regulation with a view to enhance the pecuniary jurisdiction of Subordinate Judges and Munsiffs, and to provide for certain other matters: Her Highness the Maharani-Regent is pleased to enact as follows.—

Addition to section 9.

• 1. The following shall be added to section 9 of the said Regulation, namely:—

Power to enhance Subordinate Judge's jurisdiction up to Rs. 10,000 or upwards.

“Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000 [a] or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject-matter, [a]”

Addition to section 10.

2. To section 10 of the said Regulation add the following proviso, namely:—

Power to enhance Munsiff's jurisdiction up to Rs. 2,500.

“Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 2,500.”

Addition after section 17.

3. After section 17 of the said Regulation add the following:—

Refund of half fee in uncontested cases.

“17A. Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorising him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal.

Provided that the said application is made within six months of the date when the judgment or final order was passed. In all such cases, the party ordered to pay costs shall be charged only with half the amount of the institution fee.”

[a-a] These words were added to the proviso to section 9 of the Civil Courts Regulation, 1883, by Regulation III of 1901, s. 1.

REGULATION No. I OF 1899.

(PASSED ON THE 25TH DAY OF MARCH 1899.)

A Regulation to assimilate the law relating to Post Offices in Mysore to that which is from time to time in force in British India.

Whereas it is expedient to make better provision for the efficient working of the British Postal Department in the territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

Preamble.

1. This Regulation shall come into force from the date of the passing thereof.

Commencement.

2. Regulation II of 1895 is hereby repealed.

Repeal.

3. Every person who, within the territories of Mysore, commits or omits to do an act which, if committed or omitted to be done by him in British India, would render him liable to punishment under the provisions of the Indian Post Office Act, VI of 1898, or of rules or orders having the force of law issued thereunder by the Government of India, shall be liable to the punishment provided by the said Act or rules or orders.

Offenders in Mysore against the Postal law liable to punishment provided by the Indian Post Office Act and rules and orders thereunder.

4. Every person liable to punishment under the foregoing section shall be liable to be tried and punished within the territories of Mysore in the same manner as he would have been liable to be tried and punished if the act had been committed or omitted as aforesaid within British India.

Liability of offenders to be tried and punished in Mysore as in British India.

Provided that a European British subject so liable shall be tried in accordance with the law relating to the trial of European British Subjects for offences committed in the territories of Mysore.

5. The protection accorded to Government and its servants in the discharge of their duty under the Post Office Act of British India shall be equally accorded in the territories of Mysore, and the law of British India for the regulation of Post Offices as well as rules and orders having the force of law in British India, shall be deemed to apply to the territories of Mysore so far as they may

Government and its servants to be protected in Mysore as in British India, and the British Postal law to apply also to Mysore.

REGULATION No. II OF 1899.

(PASSED ON THE 5TH DAY OF APRIL 1899.)

The Mysore Military Regulation, 1899

Whereas it is expedient to amend the Disciplinary Law applicable to the Mysore Imperial Service *Cavalry and Transport Corps; (*) Her Highness the Maharani-Regent has been pleased to enact as follows;—

Sections 4 and 5 of the Standing Orders for the Mysore Imperial Service Cavalry, issued under date the 11th day of February 1897 are hereby cancelled, and in lieu thereof the following Rules for the Punishment of Crime in the Mysore Imperial Service Cavalry and Transport (†) corps (†) shall come into operation from the passing of this Regulation, which may be cited as “The Mysore Military Regulation, 1899.”

**RULES FOR THE PUNISHMENT OF CRIME IN
THE MYSORE IMPERIAL SERVICE CAVALRY
AND TRANSPORT [c corps c].**

PRELIMINARY.

1. [†] All officers, non-commissioned officers, sowars, (§) drivers (§) and followers of the Imperial Service *Cavalry and Transport Corps* are subject to these Rules except on active service when they are under the same rules as laid down in the Indian [Army Act 1911] so far as such rules can be made applicable to them. [†]

I.—DEFINITIONS.

2. The following are military offences.—

(1) *Mutiny* is the act of two or more soldiers or followers who join together to resist or disobey lawful authority.

[*.*] These words were substituted for the word ‘troops’ by para 1 of Regulation II of 1910.

[†-†] This word was added by para 1 of Regulation II of 1910.

[†-†] This paragraph was substituted for the original paragraph 1 by Regulation No. V of 1900, s. 1.

[§-§] This word was substituted for the word ‘Sepoys’ by para 1 of Regulation II of 1910.

[—] *These words and figures were substituted for the words ‘articles of war’ by para 1 of Regulation II of 1918.

Section 2.

(2) *Violence to superiors*.—Any soldier or follower who strikes, pushes, or threatens to strike or injure any officer or non-commissioned officer of superior rank to himself, whether on or off duty, is guilty of this offence.

(3) *Insubordination* is wilful disobedience in word or deed of any lawful command given by a superior in the execution of his duty or insolence to the same.

(4) *Disobedience* is the non-compliance with any lawful command given by a superior officer, (*i.e.*, officer or non-commissioned officer).

(5) *Desertion* is absence without leave *with the intention* of not returning. A soldier absent without leave for two months will be considered a deserter, unless his absence can be satisfactorily accounted for.

(6) *Sentry sleeping on or quitting his post*.—A soldier quits his post when he leaves it without being properly relieved.

(7) *Seeking plunder*.—Any officer or soldier who, on active service leaves his regiment or post for the purpose of pillaging the inhabitants of the country, or without authority breaks into any place to plunder, is guilty of this offence.

(8) *Abandoning garrison or post* is the quitting or giving up by any officer or soldier of a garrison, post, or guard committed to his charge, or which it is his duty to defend.

(9) *Betraying watchword*.—A soldier who makes known the watchword or countersign to any person not entitled to receive it is guilty of this offence.

(10) *Corresponding with the enemy* is the holding of any correspondence with, or communicating any intelligence to an enemy, or the knowing of the existence of such correspondence or communication, and omitting to report the same to a superior officer.

(11) *Assisting the enemy* is the assisting or relieving of an enemy with ammunition, provisions, or money, or knowingly harbouring or protecting any enemy of, or person in arms against, the British Government.

(12) *Misbehaviour in presence of the enemy* is cowardice or casting away arms or ammunition in presence of an enemy, or using words calculated to discourage or to induce any officer or soldier to abstain from acting against an enemy.

Section 2.

(13) *Creating false alarm* is the spreading of a report by word or letter calculated to cause false alarm, or intentionally doing some act which will cause a false alarm.

(14) *Assaulting persons bringing provisions* is the using of force against or assaulting any person bringing in provisions or other necessities to the camp.

(15) *Striking or forcing a sentry*.—Anybody wilfully doing an act to prevent which a sentry has been posted forces that sentry, and thus becomes guilty of this offence.

(16) *Unbecoming behaviour in an officer* is the commission of any offence, derogatory to the rank and position of an officer, and calculated to lower him in the eyes of his men.

(17) *Absence without leave*.—A soldier or follower is guilty of this offence who leaves his regiment without permission, or who overstays leave granted to him without a sufficient cause.

(18) *Releasing prisoner* is without proper authority releasing a prisoner placed under his charge, or allowing him to escape.

(19) *Drunkenness on duty* is intoxication with spirits or drugs when on or warned for any duty, or on parade or the line of march.

N.B.—The line of march is the distance between the station of departure and that of destination.

(20) *Breaking arrest* is the leaving of quarters, place of confinement or lines without permission when under arrest, in confinement, or under punishment.

(21) *Striking subordinate* is the ill-treating of any soldier or camp-follower junior in rank or position.

(22) *Extortion* is the demanding of money, goods, or position by threatening, exposure, punishment, etc., or by holding out hopes of advancement or gain.

(23) *Defiling place of worship* is intentionally doing an act in connection with a place of worship calculated to wound the feelings of those who are in the habit of using that or similar places for the purposes of religion.

(24) *Injuring or making away with horse, arms, clothing or equipment* is wilfully, or through neglect, injuring, losing, concealing, removing, selling, or delivering to any unauthorized person the horse, arm, clothings, or equipment, entrusted to the care of a soldier.

Section 2.

(25) *Embezzlement* is dishonestly misappropriating or converting to his own use money, provisions, forage, arms, equipment, or military stores of any kind entrusted to the charge of an officer or soldier, or dishonestly using, or disposing of such property, or dishonestly receiving or retaining any such property, knowing or having reason to believe it had been dishonestly misappropriated or converted.

(26) *Destroying Government property* is the wilful injuring or destroying of property belonging to the State, or to the Government of India.

(27) *Giving false evidence* is, after being duly sworn, or affirmed, making a false statement, knowing or believing it to be false, before a Court-Martial or other Military Court competent to administer an oath or affirmation.

(28) *Malingering* is feigning, producing, or aggravating illness or intentionally delaying cure.

(29) *Wilfully causing hurt* is the intentional injuring by a soldier or follower of himself or other person with intent to render himself or other person unfit for the service.

(30) *Theft* is the taking of an article which does not belong to the taker, without lawful permission.

(31) *Making false returns* is knowingly furnishing a false return or report, or, through design or culpable neglect, omitting or refusing to send or make a true return or report.

(32) *Other fraudulent offences* are such other acts as are done with intent to defraud, or cause wrongful loss to one person or wrongful gain to another.

(33) *Harbouring deserter* is knowingly concealing a deserter, or knowing where he is located, not giving information thereof to his Commanding Officer.

(34) *Failure to rejoin* is, when a soldier or follower on leave of absence having received information from proper authority that his regiment or corps has been ordered on service, failing, without sufficient cause, to rejoin without delay.

(35) *Failure to attend parade* is without sufficient cause failing to appear, at the fixed time, at the parade, or place appointed for exercise or duty.

(36) *Taking bribes* is directly or indirectly requiring, accepting or obtaining, or agreeing to accept or obtain, for

Section 2.

oneself or some other person, any gratification as a motive or reward for procuring the enlistment, leave, promotion, appointment, etc., of any person in the service.

(37) *Habitual drunkenness* is intoxication more than four times in three months.

(38) *Contempt of Court* is the intentional offering of any insult to a Court-Martial, or causing interruption or disturbance to a Court-Martial, or using menacing word, sign, or gesture in the presence of a Court-Martial.

(39) *Offences against Courts-Martial* are intentionally omitting to attend when duly summoned, prevaricating, refusing to take an oath, or to make affirmation, refusing to answer a question, refusing or neglecting to produce or give up any book or document ordered by the Court to be produced or given up.

(40) *Cruelty or indecency* is the committing of any offence of a cruel, indecent or unnatural kind, or attempting any such offence, or doing any act towards its commission.

(41) *Enlisting a deserter* is enlisting a person, knowing or having reason to believe that he is a deserter.

(42) *Quitting parade or line of march* is the doing so without sufficient cause, or without leave from a superior officer.

(43) *Appearing armed in camp* is appearing, when off duty, without proper authority, in or about camp, or cantonments, or in or near any bazaar, or town, carrying a sword, bludgeon, or other offensive weapon.

(44) *Writing anonymous letters* is the writing, or causing to be written, any letter or document not bearing a signature with a view to injuring the person or persons written about.

(45) *Conduct prejudicial to good order and military discipline* is being guilty of any act or omission considered prejudicial to good order and military discipline which a Court-Martial can try (*i.e.*, military offences not already specified).

(46) *Abetment* is either directly or indirectly aiding in the actual commission of a crime.

(47) **Fraudulent enrolment.* A soldier or follower is guilty of this offence when without having first obtained a regular discharge from the corps or unit to which he

* This new definition was added by sec. 1 of Regulation I of 1920.

Sections 3-4.

belongs, he enrolls himself in the same or any other corps or unit.

2A. **Chief Commandant* shall mean the officer entrusted for the time being with the command of the Mysore Troops.

II.—POWERS OF COMMANDING OFFICER.

3. The following crimes will be dealt with by Commanding Officers, unless owing to frequent repetition, or the gravity of the offence, they think it advisable to report the matter to higher authority, in which case, they will, in making the report, give a different expression of opinion as to what punishment, or action, they suggest—

Power of
Commanding
Officer.

Drunkenness.

Insubordination.

Gambling.

Striking soldiers.

Wilfully causing hurt.

Absence without leave.

Failure to attend parade.

Irregularities on guard, or sentry duty in peace time.

Neglect or maltreatment of a horse, pony, or mule.

Creating a disturbance.

Conduct to the prejudice of good order and military discipline.

4. For the foregoing offences commanding Officers may award the following summary punishments, *viz.*—

(a) *Imprisonment*, with or without hard labour, to the extent of seven days. This punishment, which is to be reckoned from the time of the Commanding Officer's award, is to be carried out in the quarter-guard, prisoner's room, or cell. An award of imprisonment may be accompanied by an award of confinement to the lines, but both together must not exceed 30 days.

Imprison-
ment.

(b) *Confinement to lines*, for any period not exceeding thirty days' which carries with it punishment drill to the extent of fifteen days, the taking of all duties in regular turn, attending parades, and being further liable to be employed on duties of fatigue at the discretion of the

Confinement
to lines.

* The figure and letter 2A were substituted for figure 47 by para 1 of Regulation II of 1907.

Sections 4-5.

Commanding Officer. Every award of confinement to lines for fifteen days and under, is to carry with it punishment drill, which will be carried out in marching order under the supervision of a non-commissioned officer, detailed by the Adjutant for the purpose, and must never exceed two hours a day and one hour at a time.

Deprivation
of G. C. P.

(c) Deprivation of good conduct pay, either as a substantive punishment, or in addition to any other minor punishment.

Confinement to the lines or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

Extra guards
and duties.

(d) *Extra guards and duties*.—These are only to be ordered as a punishment for minor offences or irregularities when on or parading for these duties and will not exceed three.

Stoppages of
pay.

(e) *Stoppages of pay* for absence without leave, but only for the number of days absent.

The stoppages for absence without leave will be made at the rate of four annas a day if the absence extends for less than a full month; for absence extending to a month the whole pay for the month will be forfeited. Stoppages will be enforced for each day, or portion of a day of absence without leave. Overstaying leave will be considered equivalent to, and will be dealt with as, absence without leave. Confinement to the lines, or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

Stoppage of
leave.

(f) *Stoppage of all leave* during the ensuing six months or forfeiture of the next furlough due.

Stoppages of
forage
allowance.

(g) *Stoppage of whole, or part, of any extra forage allowance*, for the current month, for all ranks that receive it. This punishment is to be reserved for cases of neglect, or maltreatment of horses, ponies, or mules. To be entered in defaulter book as a fine.

Arrest of
officers.

5. Commanding Officer on receiving a complaint, or coming to the knowledge of circumstances tending to incriminate an officer, will, if he is satisfied by inquiry that it will be necessary to proceed with the case, place him under arrest, and at once report the case to the Chief Commandant for the orders of Government.

Sections 6-11.

6. An officer placed under arrest by the Commanding Officer will not be released from arrest without the sanction of Government. Release from arrest.

7. Commanding Officers will award non-commissioned officers (including lance dafadars) only the following minor punishments:— Punishment of non-commissioned officers.

(a) reprimand.

(b) deprivation of good conduct pay.

(c) stoppage of any extra forage allowance.

For serious offences, non-commissioned officers should be placed under arrest, and their offences reported to the Chief Commandant. Non-commissioned officers should not be reprimanded in the presence or hearing of subordinates, lest their authority be weakened and their self-respect lessened.

8. No award of punishment will be increased for any one offence once the prisoner has left the Commanding Officer's presence, and no punishment once awarded will be reduced, except with the sanction of Government. Alteration of punishments.

9. The Squadron Commander (*) or Division Commander (*) Troop Commander, Troop Dafadar-Major and Section Commander (†) or Division Dafadar (†) will be present when a prisoner is brought before the Commanding Officer, and the man's sheet-roll will be produced by the Troop Commander in or that his previous character may be ascertained. Persons to be present at investigation.

10. All awards of punishment will be first entered in the general defaulters' book, and then copied into the men's sheet-rolls. Record of punishments.

PUNISHMENT OF FOLLOWERS.

11. Followers subject to the following punishments by Commanding Officers:— Punishment of followers.

Menial servants to—

Dismissal.

3 days imprisonment

15 days' confinement in the lines
6 strokes of a cane.

[†] Fines not exceeding a day's
pay for each offence [†]

Others to—

Dismissal.

Fines, not exceeding half their monthly pay in any one
month, and not exceeding two months' pay in the year.

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[* ; †] These words were added by para 2 of Regulation II of 1910.

[†-†] These words were added to para 11 by Regulation IV of 1901, s. 1.

*** Para 12 was omitted by para 4 of Regulation II of 1910.

Sections 13-17.

III.—POWERS OF SQUADRON COMMANDERS * DIVISION
COMMANDERS * AND ADJUTANTS.

Powers of
Squadron
Commanders
(b) Division
Commanders
(b) and Adjut-
ants

13. Squadron Commanders † Division Commanders † and Adjutants may award to sowars † and drivers. †

Ten days' confinement to the lines carrying with it punishment drill.

Extra stables not exceeding half an hour at a time.

Extra inspection parades of uniform, saddlery and equipment.

Extra drill not exceeding one hour a day, for not more than three days.

Powers of
officers when
officiating.

14. Officers officiating as Commandants, Squadron Commanders † Division Commanders † and Adjutants are authorized to award the punishment which may be awarded by those ranks.

* * * *

IV.—POWERS OF TROOP OFFICERS.

Powers of
Troop officers.

17. Risaldars and Jamadars when in command of troops may award—

(a) *Seven days' confinement to the lines.*

(b) *Extra drill not exceeding one hour a day, for not more than three days.*

(c) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.*

(d) *Extra inspection parades (not exceeding three) of saddlery and equipment.*

17. Jamadars (not in command of troops) may award—

(a) *Three days' confinement to the lines.*

(b) *Extra drill, not exceeding one hour a day, for not more than three days.*

* * * *

* Para 15, 18 and 19 were omitted by para 5 of Regulation II of 1910.

†—† These words were added by para 4 of Regulation II of 1910.

Sections 20-23.

VII.—ASSISTANT-SURGEONS AND HOSPITAL-ASSISTANTS.

20. Assistant-Surgeons may award up to 15 days' and Hospital-Assistants up to 10 days' confinement to the hospital compound to hospital servants; all punishments so awarded must be reported on the following morning to the Commanding Officer.

Of Assistant Surgeons and Hospital-Assistants.

VIII.—POWERS OF OFFICERS IN COMMAND OF DETACHMENTS.

21. Commanding Officers may, if they consider it desirable and necessary, authorise any officer, of whatever rank, who may be in command of a detached party, or outpost, to award any or all of the minor punishments which the Commanding Officer of a regiment may award (under Section IV), notifying their action to the Chief Commandant. * *

Powers of officers in command of detachments.

22. All awards by Squadron Commanders† and Division Commanders † must be reported to the Adjutant in writing, for entry in the general defaulters' book and submission to the Commanding Officer.

IX.—POWERS OF CHIEF COMMANDANT.

23. The following punishments may be awarded by the Chief Commandant.

Summary powers of C. C.

(a) To non-commissioned officers—

(1) Reprimand.

(2) Loss of standing.

(3) Reduction to the ranks, or to a lower grade.

(4) Imprisonment up to 28 days, with or without hard labour, but no non-commissioned officer can be awarded imprisonment without first having been reduced to the ranks.

[*-*] The words "for the information of Government" which had been inserted by the original Regulation at the end of this paragraph were omitted by para 6 of Regulation II of 1910.

[††] These words were substituted for the words "Troops and Transport Officers by para 7 of Regulation II of 1910.

Sections 24-29.

[a] (b) To sowars (b) drivers (a) and all followers—

(1) Imprisonment up to 28 days, with or without hard labour.

(2) Dismissal in the case of followers but in the case of, others only, if of less than five years' service.

(3) Reduction to a lower grade [a]

* * *

24. An officer can be reprimanded, but cannot otherwise be punished by the Chief Commandant.

Cases how to be dealt with by C. C.

25. Should the Chief Commandant consider that an officer has committed an offence for which a reprimand is not a sufficient punishment, he will report the case for the orders of Government.

26. Should the Chief Commandant come to the conclusion that an officer who is accused of an offence has erred through incapacity rather than with intention, he should, in forwarding the case for the orders of Government, give reasons for the conclusion he has come to.

Summary discharge of men who have re-enlisted.

27. The Chief Commandant is empowered to discharge summarily any person, of whatever rank, who may have enlisted without declaring his previous service, whether in the British (Native) Army, in an Imperial Service Corps or in the military service of any State.

X.—INVESTIGATION OF CHARGES.

Investigation of charges.

28. When an accusation is made against any officer or non-commissioned officer, or when any serious charge is preferred against, or any serious crime committed by, any person subject to these Rules, an immediate report is to be made to the Chief Commandant for his information.

29. The Chief Commandant will thereupon arrange to personally investigate the case. Provided that should he be unable to make such personal investigation within the 48 hours prescribed by the following Rule (30) he shall

[a-a] This sub-para was substituted for the original sub-para by Regulation I of 1905.

[b-b] The remaining words viz., "Sepoys, Transport Lance Dufadars and" inserted by para 1 of Regulation I of 1905, but the words "Sowars and Drivers were repealed by para 8 of Regulation II of 1910.

* * Sub-para (c) of para 23 which had been amended by Regulation I of 1905 was repealed by Regulation II of 1910.

Sections 30-34.

forthwith transfer the case for the disposal of such officer as may be appointed in that behalf by general or special order of Government.

30. Not more than 48 hours (Sunday and the weekly holiday excluded) must be allowed to elapse between the receipt of the report and the investigation of the case.

31. The Commanding Officer is responsible that, when such cases are brought up for investigation, they are brought as complete as possible, and that all witnesses, both those for and those against the offender are present.

32. After the investigation has been completed, the Chief Commandant will either— Disposal after investigation.

(1) Punish the offender (under paragraph 23) or

(2) Report the case to Government for orders.

33. All punishments awarded by the Chief Commandant will be duly entered in the general defaulters' book and in the sheet-rolls.

34. (a) The Chief Commandant is not authorized to cancel, remit, or reduce any summary award of punishment made by a Commanding Officer in accordance with these Rules without the approval of Government.

(b) All cases, in which the Chief Commandant may be of opinion that the * Commandant's * recommendations should not be accepted, shall be submitted by the Chief Commandant for the orders of the Government in the following form :—

Date and No of *Comman-dant's* recom-mendation	Brief statement of facts	*Comman-dant's* recommenda-tions	Chief Comman-dant's opinion	Orders of Government

All such references will be returned to the Chief Commandant with the order of Government duly entered in the last column.

[*-*] Substituted for the word " Regimentdax's " by para 9 of Regulation II of 1910.

Sections 35-40.

35. By an executive order, the Government may, at any time, add to, modify, or cancel any of the powers specified in paras 3 to 34 of these Rules, and provide for their exercise by such officer and in such manner as it may from time to time think fit.

XI.—COURTS-MARTIAL.

Court
Martial.

36. [a] The procedure to be observed for assembling and composition of courts-martial on service will be the same as that laid down in the Indian * Army Act, 1911* [a].

Composition.

37. In time of peace a Court-Martial under these Rules will consist of a President not under the rank of Squadron Commander (c) or Division Commander (c) and two officers as members. For the trial of an officer, the number of members will ordinarily be four, of whom at least two should be senior to the prisoner, and, if possible, the remainder should be of equal rank to the prisoner. Provided that where four officers are not present and available, two will suffice.

By whom
convened.

38. A Court-Martial will be convened by the Chief Commandant with the sanction of Government † or of such officer specially authorised in this behalf by Government.† The proceedings will be confirmed by Government.

39. Courts-Martial will only be resorted to in case of serious offences, or when it is found that milder measures have not had the desired effect, or when it is thought desirable in the interests of discipline that an example should be made.

40. When application has been made for a Court-Martial to be assembled, no witness is to be allowed to leave the station except in case of severe sickness, or public emergency. The death or absence of any material witness is to be immediately reported to the Chief Commandant for the information and orders of Government.

[a-a] This paragraph, was substituted for the original paragraph 36 by Regulation No. V of 1900, s. 2.

[c-c] Inserted by para 10 of Regulation II of 1910.

. Substituted for the words 'Articles of war' by para 1 of Regulation, II of 1913.

†-† These words were added by Regulation II of 1914.

Sections 41-48.

41. An officer employed on Court-Martial duty is not to be allowed to leave the station until the sentence of the Court-Martial is confirmed, except with the special sanction of Government.

42. A prisoner ordered for trial by Court-Martial must have the charge or charges on which he is to be tried read over and carefully explained to him at least 24 hours before the trial commences, and he will at the same time be called upon to give the names of the witnesses whom he desires to be called in his defence.

43. No man can be tried by Court-Martial on a charge of which he has already been acquitted or convicted by a Civil Court or a Court-Martial.

44. No person will be tried or punished by a Court-Martial for any military offence after the expiration of three years from the date of the commission of that offence unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined or brought to trial within that period, in which case he will be liable to trial at any time not exceeding two years after such impediment shall have ceased.

*Statute of
limitation.*

45. Members will take their places in Court by seniority, and on a vote being taken, the President will call on the junior to give his vote first, and then in rotation to the senior member, the President himself voting last. No written record will be kept of the votes of the different members.

*Precedence of
Members of
Courts-
Martial.*

46. A munshi to keep a record of the proceedings in writing, will be in attendance, and will be solemnly affirmed, but will not be a member of the Court or take any part in the proceedings.

*Proceedings
to be recorded
by Munshi.*

47. When being tried by Court-Martial, an officer or a non-commissioned officer should be placed under the custody of an officer or a non-commissioned officer of equal or superior rank.

48. The Adjutant, or other specially appointed officer will act as prosecutor. It is his duty to see that all witnesses are present, and that those for the prosecution give evidence bearing on the case; also that all documents required in the case are laid before the Court.

Prosecutor.

Sections 49-52.

XII.—PROCEDURE OF COURTS-MARTIAL.

Procedure of
Courts-
Martial.

49. At a trial by Court-Martial, as soon as the Court is assembled, the names of the President and members shall be read over in the presence of the prisoner, each one answering to his name. The prisoner shall then be asked whether he objects to be tried by any of the officers composing the Court. If any objection is made, the prisoner's objection and the explanation of the officer concerned shall be heard and recorded by the munshi on a separate sheet of paper, and the Court will then, in the absence of the challenged officer and the prisoner, decide the objection. If found valid, the Court will adjourn and report the case to the Chief Commandant who will appoint another officer as member. If the objection is not found valid, the Court will proceed with the trial of the prisoner.

Oaths.

50. The president and members of the Court will then make the following solemn affirmation:—

“I, _____, solemnly affirm in the presence of Almighty God that I will duly administer justice without partiality, favour, or affection, and, if any doubt shall arise, then according to my conscience, the best of my understanding, and the custom in like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further that I will not disclose or discover the vote or opinion of any particular member of the Court unless required to give evidence thereof by a Court of justice or a Court-Martial in the due course of law.”

51. The munshi will make the following solemn affirmation:—

“I, _____, solemnly affirm in the presence of Almighty God that I will faithfully write the record of the proceedings of this Court, and that I will not divulge the sentence until it shall have been published by authority; and further that I will not disclose or discover the vote or opinion of any member of the Court unless required to give evidence thereof by a Court of justice or Court-Martial in the due course of law.”

52. All witnesses, before being examined, will make the following solemn affirmation:—

Sections 53-53A.

"I solemnly affirm in the presence of Almighty God that what I shall state before this Court shall be the truth, the whole truth, and nothing but the truth."

53. Whether the prisoner pleads "guilty" or "not guilty" or whatever the plea may be, the Court-Martial must always take evidence regarding the charge preferred against him.*

Prisoner's
plea.

[a] "**53A.** (1) The president of a Court-Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

Summoning
witnesses and
production of
documents.

(2) In the case of a witness amenable to Military authority, the summons shall be sent to his superior officer and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

(5) Nothing in this paragraph shall be deemed to affect the Indian Evidence Act, 1872, Sections 123 and 124, or to apply to any letter post card, telegram or other document in the custody of the Postal or Telegraph authorities

(6) If any document in such custody is, in the opinion of any District Magistrate, the †High Court,† or any Court of Session, wanted for the purpose of any Court-Martial, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(7) If any such document is, in the opinion of any other Magistrate or of any District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to

* One witness is usually sufficient to substantiate a charge to which the prisoner has pleaded guilty.

[a] Paragraphs 53A to 53C were added by Regulation, IV of 1905.

†† The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

Sections 53B-59.

cause search to be made for and to detain such document pending the orders of any such District Magistrate or Court.

Contempts of
Court.

“53B. (1) Any witness duly summoned, and any person who commits any contempt of Court in the presence of a Court-Martial, or any offence described in clauses (27), (28) and (39) of paragraph 2, shall, if subject to these rules, be proceeded against as the Court may direct.

“(2) If any such witness or person is not so subject the President of the Court-Martial, may certify the offence under his hand to the Court of any Magistrate within the local limits of whose jurisdiction it was committed, and the Magistrate may thereupon take cognizance of the case, and, after hearing anything which the accused may desire to say, dispose of it as if the offence had been committed in a proceeding in a Court of such Magistrate.

Privileges of
persons
attending
Courts-
Martial.

53C. (1) No President or member of a Court-Martial, no party to any proceeding before a Court-Martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a Court-Martial, shall, while proceeding to, attending on or returning from, a Court-Martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the Court-Martial.

Witnesses.

54. All witnesses who appear before a Court-Martial must be examined in the presence of all the members of the Court-Martial and of the accused.

55. The prisoner has the right to cross-examine any witness who gives evidence in Court.

56. Witnesses are to be called before the Court separately, and must be examined separately; during the examination of a witness no other witness may be present in or within hearing of the Court.

Voting.

57. Every decision of a Court-Martial must be passed by a majority of votes.

58. If the votes are equal as to either finding or sentence, the decision shall be in favor of the prisoner.

59. In all matters other than the finding or sentence, the President shall have a casting vote.

Sections 60-62.

60. Except in the following cases, no prisoner can be convicted of an offence other than the offences mentioned in the charge-sheet.

A person charged with—	May be found guilty of—
(1) Desertion.	(1) Attempting to desert or Absence without leave.
(2) Attempting to desert.	(2) Desertion, or Absence without leave.
(3) Theft, or dishonest mis- appropriation, or cri- minal breach of trust, or dishonestly receiving or retaining stolen property.	(3) Any one of those offences.
(4) An offence committed under circumstances involving a higher degree of punishment.	(4) The same offence under circumstances involving a less degree of punishment.

61. When any person is convicted by a Court-Martial of any offence, the prosecutor will be required to produce evidence of any previous conviction of such person, and further a record of his general character should he be under the rank of an officer, and such evidence shall be inquired into and recorded by the Court. For this purpose the prisoner's sheet roll and a copy thereof will be laid before the Court and the latter, after having been compared with the original, will be attached to the proceedings.

Evidence of
character.

[a] **62.** Whenever any person is sentenced under this Regulation to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the Court.

Award of
imprisonment
to a man
already
undergoing
imprison-
ment.

Provided that where a sentence of imprisonment is awarded by a Court-Martial to an offender already under sentence of imprisonment for a limited term, the Court may direct by its award that the imprisonment shall commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence [a].

[a-a] This para was substituted for the original by section 2 of Regulation, I of 1920.

Sections 63-67.

XIII.—CONFIRMATION.

Disposal of
proceedings.

63. The proceedings of every Court-Martial shall, after being signed by the President and members, be sent in a sealed envelope by the hand of the munshi who wrote them, to the Chief Commandant for confirmation by Government.

Confirmation.

64. The confirming authority may confirm or not confirm the sentence, or may reduce the punishment awarded, or may order the Court-Martial to re-assemble to re-consider or revise their finding or sentence, or both. For this purpose a Court-Martial may only be once re-assembled.

Revision.

65. When a Court-Martial re-assembles to re-consider or to revise its finding or sentence, or both, it may take additional evidence.

66. A Court-Martial when thus re-assembled must consist of the same officers as originally served on it. If any of these are unavoidably absent and if revision cannot, in consequence, be properly carried out, the finding or sentence, or both may in such case be altered by the confirming authority.

XIV.—PUNISHMENTS.

Punishments.

67. The following are the punishments to which soldiers and followers are liable for committing military crimes.—

OFFICERS, ASSISTANT SURGEONS, AND HOSPITAL
ASSISTANTS.

- | | |
|--|--|
| (1) Death. | (5) Loss of standing. |
| (2) Imprisonment * with
or without hard labour. | (6) Reprimand or severe
reprimand. |
| (3) Dismissal.† | (7) Forfeiture of arrears of pay
and allowances.‡ |
| (4) Suspension from rank,
pay and allowances. | (8) Stoppages.§ |

* See paragraph 62.

† See paragraph 90.

‡ See paragraphs 90 and 91.

§ See paragraph 92.

Sections 68-69.

NON-COMMISSIONED OFFICERS, SOWARS [b] AND
DRIVERS [b]

- | | |
|--|---|
| (1) Death. | (6) Corporal punishment, not exceeding (d) 30 (d) lashes. † |
| (2) Imprisonment, with or without hard labour. * | (7) Forfeiture of arrears of pay and allowances. ‡ |
| (3) Dismissal †. | (8) Stoppages. § |
| (4) Loss of standing. | |
| (5) Reduction to a lower grade or to the ranks. | |

[c] FOLLOWERS—[c].

- | | |
|--|---|
| (1) Death. | (4) Corporal punishment, not exceeding (d) 30 (d) lashes. |
| (2) Imprisonment, with or without hard labour. \|\| | (5) Fines. |
| (3) Dismissal. ‡ | |

68. Death—This sentence can only be awarded by Courts-Martial assembled [a] under these Rules [a] on service.

69. Imprisonment.—Sentences of imprisonment with hard labour for more than three calendar months will be carried out in the Civil Jail and will [e] not of themselves [e] involve dismissal from the service. Officers must be sentenced to dismissal, and non-commissioned officers to reduction to the ranks *before* being sentenced to imprisonment. Sentences of imprisonment with hard labour for three months, or of any less period, and all sentences of imprisonment without hard labour, will be carried out in the regimental quarter-guard, prisoners' room or cells.

* See paragraphs 62, 69 and 85.

† See paragraph 85.

‡ See paragraph 90 and 91.

§ See paragraph 92.

|| See paragraphs 62, 69 and 85.

¶ See paragraph 85.

[a-a] These words in sections 68, 78 and 79 were inserted by Regulation V. of 1900, s. 3.

[b-b] These words were added by para 11 of Regulation II of 1910 which repealed the word "and" between "officers and sowars" in the same line.

[c-c] The words "Regimental, transport and Hospital" which had been prefixed to "Followers" were omitted by para 11 of Regulation II of 1910.

[d-d] Substituted for '50' by para 2 of Regulation II of 1913.

[e-e] These words were added by section 3 of Regulation I of 1920.

Sections 70-76.

70. *Suspension from rank, pay and allowances.*—This sentence must never exceed three months.

71. *Loss of standing* can only be inflicted in the rank held by the prisoner at the time of the sentence: thus a Risaldar or Jamadar can only be placed some places lower in, or at the bottom of, the list of Risaldars or Jamadars as the case may be.

72. *Reprimand or severe reprimand.*—This sentence will be communicated to the prisoner by the Chief Commandant in the presence of all the officers of the Imperial Service [b] Cavalry or Transport Corps, as the case may be [b].

73. *Reduction to a lower grade* or to the ranks.*—This punishment is only awardable in the case of non-commissioned officers including Lance-Daffadars.

74. *Corporal punishment* must not exceed (c) 30 (c) lashes. The sentence will be inflicted on parade in the presence of the regiment or detachment on the bare back with a "cat" of the following description:—length of wooden handle, 18 inches; number of cords, nine, of thin whip cords, each 24 inches long, with three knots upon each cord. When corporal punishment is inflicted, a medical officer must attend, and if during the execution of the sentence it appears to him that the prisoner is not in a fit state of health to undergo the remainder of the punishment, the whipping will be finally stopped. Sentences of corporal punishment are not to be carried into effect on Sundays, except in cases of absolute necessity.

75. *Stoppages* are only awardable as a punishment for damage to or neglect of horse or wilful injury to or misappropriation of Government property, and are recoverable at the rate of one-third of the monthly pay of the prisoner.

76. *Fines* can only be levied from followers, and must not exceed the amount of the prisoner's pay for three months. They are recoverable at the rate of one-third of his monthly pay.

* See paragraph 85.

[b-b] These words were substituted for the word "Troops" by para 12 of Regulation II of 1910.

[c-c] Substituted for '50' by para 3 of Regulation II of 1913.

Sections 77-79.

77. The following offences are punishable more severely when committed on active service, than during peace time :—

Punishment
of certain
offences.

Sentry sleeping on, or, quitting his post.
Leaving his post or party in search of plunder.
Quitting guard or party without leave.
Corresponding with the enemy.
Assisting the enemy.
Misbehaviour in presence of the enemy.
Creating false alarm.
Assaulting persons bringing provisions.
Striking or forcing a sentry.

78. The following offences, when committed on active service, are punishable [a] under these Rules [a] with death or with imprisonment up to 14 years :—

Offences
committed on
active
service.

Mutiny and sedition.
Violence to a superior.
Disobedience to the lawful command of a superior.
Desertion, or attempt to desert.
Re-enlistment without having been discharged.
Sentry sleeping, or quitting his post.
Sentry plundering.
Abandoning garrison or post.
Betraying watchword or countersign.
Corresponding with the enemy.
Assisting enemy.
Releasing State prisoner or enemy.
Misbehaviour in the presence of the enemy.
Seeking plunder during action.
Quitting guard.
Assaulting persons bringing in provisions.
Causing a false alarm.

79. Whenever any person is convicted [a] under these Rules [a] of the crime of mutiny, or sedition, all his property, moveable and immoveable, shall be forfeited to the State, if the property be within the limits of the State, otherwise to the British Government.

[a-a] These words in Sections 68, 78 and 79 were inserted by Regulation V of 1900, s. 3.

Sections 80-81.

Offences
punishable
with
imprisonment
up to 14 years,
under these
Rules.

80. The following offences are punishable under these Rules with imprisonment up to 14 years or such less punishment as the Court-Martial may award :—

Mutiny.
Violence to superiors.
Insubordination.
Betraying watchword.
Abandoning post.
Wilfully creating false alarm.

Up to two
years.

81. The following offences are punishable under these Rules with imprisonment for two years, or such less punishment as the Court-Martial may award :—

Desertion.
Unbecoming behaviour in an officer, Assistant-Surgeon, or Hospital Assistant.
Releasing prisoners.
Assaulting persons bringing provisions.
Striking or forcing a sentry.
Breaking arrest.
Striking subordinate.
Extortion.
Defiling place of worship.
Giving false evidence.*
Malingering.
Wilfully causing hurt.
Theft.
Making false returns.
Other fraudulent offences.
Cruelty or indecency.
Taking bribes.
Embezzlement.*
Destruction of Government property.
Writing anonymous letters.
Quitting guard, post, picquet or patrol without being regularly relieved, or without leave.
Refusing to superintend or assist in making any field-work, or other military work of any description when ordered to do so.
Attempting to commit suicide.
Appearing armed in camp.

* See also paragraph 90.

Sections 82-85.

82. In time of peace, the following offences are punishable under these Rules with one year's imprisonment, or such less punishment as the Court-Martial may award :— Up to one year.

Disobedience.

Sentry sleeping on or quitting post.

Striking or forcing a sentry.

Absence without leave.

Drunkenness on duty.

Injuring or making away with horse, arms, clothing, or equipment.

Harbouring deserter.

Failure to attend parade.

Habitual drunkenness.

Contempt of and offences against Court-Martial.

Failure to rejoin.

Enlisting deserter.

Quitting parade, or line of march.

Quitting guard, or party, without leave.

Making wilfully false answer on enlistment.

Conduct prejudicial to good order and military discipline.

83. Stoppages may be awarded under these Rules in addition to other punishment for the following offences :— Stoppages.

Injuring or making away with horse, arms, clothing, or equipment.

Misappropriation of money or stores.

Destroying Government property.

84. Dismissal from the service may be awarded in addition to any other sentence. Dismissal.

85. A non-commissioned officer sentenced by Court-Martial to dismissal, or to corporal punishment, or to imprisonment with or without hard labour, shall be deemed to have been reduced to the ranks even though reduction may not have formed part of his sentence. Reduction.

Sections 86-89.

XV.—LOSS OF ARMS.

Loss of arms

86. In all cases of the loss of a rifle, pistol, carbine or of ball ammunition, the person or persons in whose charge it was, shall be tried by Court-Martial. It will rest within the accused to prove that the responsibility for the loss does not rest on him.

87. For all arms lost, the following amount will be charged to the person or persons in fault, and the Court Martial shall sentence the prisoner to stoppages to these amounts in addition to any other punishment awarded ;—

	Rs.	a.	p.
For each Martini-Henri rifle or carbine	250	0	0
For each revolver ..	100	0	0
For ammunition ..	Twice its actual value.		

XVI.—DESEPTION.

Desertion.

88. In trials for desertion, the following points must be borne in mind :—

1.—If leave has been granted to the offender and he deserts, the date of desertion in the charge will be that on which the leave expired.

2.—The fact of a native soldier having been struck off after two months' illegal absence does not affect his liability to trial, if afterwards apprehended, or if he surrenders.

3.—On any trial for desertion, the accused may be found guilty of either desertion or of absence without leave, but in the latter case, the period of such absence must be set forth in the finding.

XVII.—ABETMENT.

Abetment.

89. Any person who abets an offender punishable under these Rules, [a] may be punished with the punishments provided for such offences.

* See also paragraph 91.

[a] The words "or under the Indian Articles of War" in paragraph 89 were repealed by Regulation V of 1900, s. 4.

Sections 90-94.

XVIII.—MISCELLANEOUS.

90.—On conviction of any one of the following offences, the accused *shall be* sentenced by the Court-Martial to dismissal from the service *and* to forfeiture of all arrears of pay and allowances, *in addition* to any other punishment awarded :—

Dismissal.

Embezzlement.

Destruction of Government property.

Giving false evidence.

91. On conviction of any offence if the accused is sentenced to dismissal from the service, or to any punishment involving dismissal, he may further be sentenced to forfeit, if the Court-Martial shall so direct, all or any arrears of pay and allowances due to him or such portion thereof as may be required to make good any proved loss or damage arising out of his offence.

Forfeiture of pay, etc.

92. A Court-Martial may, in addition to any punishment (except dismissal, or a punishment involving dismissal), sentence any person to be put under stoppages until any loss or damage arising out of his offence, be made good.

Stoppages.

***93.** The Government may by an executive order apply the whole, or any part, of the foregoing rules *mutatis mutandis* to the Mysore Infantry, the Mysore Horse and the Palace Troops including the Body Guard (Cavalry), the Bar Battalion (Infantry)† including the Palace Band the Golundanz (Artillery) and the Zillo Forces [a]. † † †

†94. When a Criminal Court and a Military authority have each jurisdiction in respect of an offence, it shall be in the discretion of the Government to decide before which of them the proceedings shall be instituted,

Jurisdiction over certain offences.

[*] This new para was substituted for the original by section 4 of Regulation I of 1920.

[†] The words "including the Palace Band" were added by Regulation V of 1921.

[‡] The words "and the English Band attached to the Palace of His Highness the Maharaja of Mysore" added by Regulation I of 1920, were omitted by Regulation V of 1921.

Section 95.

and if the Government decides that they shall be instituted before a Military authority, to direct that the accused person shall be detained in Military custody."

Power of
Criminal
Court to
require
delivery of
accused
person.

*95. (1) When a Criminal Court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer to whose command the accused person is subject, at his option either to deliver over the accused person to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Government.

(2) In every such case the said officer shall either deliver over the accused person in compliance with the requisition or shall forthwith refer the question as to the Court or authority before which the proceedings are to be instituted for the determination of the Government, in the meantime postponing all proceedings against the accused person.

The order of the Government upon such reference shall be final.

[*] Paragraphs 94 and 95 were added by para 2 of Regulation II of 1907

APPENDIX A.

FORM OF ORDER CONVENING COURT-MARTIAL.

General orders by

Chief Commandant _____

In accordance with instructions received from Government _____ a Court-Martial composed as under will assemble in the Regimental Durbar-Room of the _____ for the purpose of trying No. _____ and such other prisoners as may be brought before it:—

PRESIDENT.

MEMBERS.

The prisoner will be warned and all witnesses duly required attend.

(Sd.) _____

Chief Commandant.

 N.B.—The names, rank and corps of the President and members to be entered in full.

Appendix.

APPENDIX B.

FORM OF CHARGE SHEET.

The prisoner No. _____

is charged with :—

1st charge _____

in that

2nd charge _____

in that

(Signed) _____

Chief Commandant.

* Here state heading of charge as shown in italics in paragraph 2.

† Here state the particulars thus :—

First charge—insubordination
in that

At Agra on the 20th June 1890, when ordered by his superior officer, Haur Sham Singh, to lay out his kit for inspection, he said : "I have already had my kit inspected once to-day, and I won't lay it out again " or words to that effect.

Appendix.

APPENDIX C.

FORM OF PROCEEDINGS OF A COURT-MARTIAL.

(To be written on one side of the paper only.)

Proceedings of a Court-Martial held at—
 on the—day of—193—, conveyed by order
 of—

PRESIDENT.*

MEMBERS.*

At—O'clock A.M./P.M., the Court opens for the
 trial of

No—

Imperial Service—*

Munshi (or Babu)—

is present to write the proceedings of the Court.

The order convening the Court is read and attached
 to the proceedings. (Appendix A.)

The prisoner named above is brought before the
 Court.†

The names of the President and members are read
 over in the hearing of the prisoner, and they each answer
 to their names as they are read out.

* The rank, name and corps of the President and of each of the
 members and also of the prisoner, should be entered in full.

† The prisoner and his escort only are brought before the Court
 and not any of the witnesses. The witnesses should remain outside,
 out of hearing of what takes place in Court, and be called in one by
 one as required. See para 56,

Appendix.

Question 1.—By the President to the prisoner:—

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

*Answer 1.—The prisoner replies: - **

The President and members make solemn affirmation.†

The Munshi makes solemn affirmation.‡

The charge sheet is read, carefully explained to the prisoner, and attached to the proceedings. (Appendix B.)

Question 2.—By the President, to the prisoner:—

Are you guilty, or not guilty, of the (first) charge?

Answer 2.— The prisoner replies:—

Question.—Are you guilty, or not guilty, of the second charge?

Answer.—The prisoner replies:—

* Should the prisoner object to the President or to any member or members the rules laid down in para 49 should be observed.

† See para 50.

‡ See para 51.

Note.—Every question and answer should be numbered consecutively. The prisoner should be asked to plead guilty, or not guilty to each one of the charges for which he is being tried.

Appendix.

(Rank)_____

appears as prosecutor, and proceeds to call witnesses.

First witness for the prosecution :

No. _____

having made a solemn affirmation states†;—

The prisoner declines to cross-examine this witness
or

Cross-examined by the prisoner, the witness states‡;—

Cross-examined by the Court the witness states § —

The witness withdraws.

Second witness for the prosecution :

No. _____

having made solemn affirmation states || :—

The witness withdraws.

The prosecution is closed, ¶

DEFENCE.

The prisoner, being called to state what he has to urge in his defence, or in mitigation of punishment states;—

* See para 48. The rank name and corps of the prosecutor and of each witness should be entered in full.

† The evidence given should be taken down as nearly as possible in the witness's own words. See para 54.

‡ When the witness has completed his statement, it should be read over to him in order that it may be corrected, if necessary. The prisoner will then be allowed to cross-examine the witness, should he wish to do so. (See para 55.) Should he not wish to do so, it must be recorded that he declined to cross-examine.

§ Any number of questions bearing on the original evidence given by the witness may be put by the prisoner and the Court. All the replies must be recorded in full.

|| The evidence of each witness will be recorded on a separate sheet of paper in the same manner as prescribed for the first witness. Additional sheets to be added as may be necessary.

¶ When all witnesses for the prosecution have been examined the prosecution will be closed and the prisoner will be called upon to state what he wishes to say in his defence. This statement should be recorded word for word.

Appendix.

First witness for the defence;

No. _____

having made solemn affirmation states *;—

Cross-examined by the prosecutor, the witness states;—

The witness withdraws,

The Court is closed to consider its finding †

FINDING. †

The Court find that the prisoner No. _____

is *guilty* (or *not guilty* as the case may be) of the first charge, is *guilty* (or *not guilty*) of the second charge.

PROCEEDINGS BEFORE SENTENCE §

The Court is re-opened and prisoner is again brought before it.

The prosecutor|| _____

is solemnly affirmed, and replies to the following questions put to him by the President;

Question.—What character does the prisoner bear, and what is his service?

Answer.—I produce a true copy of his sheet-roll which shows that his character is _____ and that he has _____ years _____ month's service. *The copy is compared with the original sheet-roll and is then attached to the proceedings.*

* See para 42. If the prisoner has any witnesses to call to speak in his defence or as to his character their evidence will be recorded in exactly the same manner as in the case of witness for the prosecution. The prosecutor will be allowed to cross-examine all the witnesses called by the prisoner.

† All but the members of the Court and the Munshi will now leave the room, and be sent beyond ear-shot of what is said inside.

‡ See paras 58 and 60. A separate finding of guilty, or not guilty, must be recorded for each one of the charges, should there be more than one.

§ See paragraph 61.

|| The rank, name and corps of the prosecutor to be entered in full.

Appendix.

Question.—Is the prisoner before the Court the person referred to in this sheet-roll?

Answer.—Yes.

Question.—How long has the prisoner been under arrest (or in confinement) on account of the charges for which he is now being tried?

*Answer.*_____ days.

The prisoner declines cross-examining this witness.

The witness withdraws. The Court is closed to consider the sentence.

SENTENCE.†

The Court sentence the prisoner No. _____

to be _____

Signed at _____ on the _____
day of _____ 193—

President.

Members.

.....Munshi (or Babu), by whom the proceedings were recorded.

* The prisoner may cross-examine this witness, should he wish to do so.

† The prisoner will be marched back to the lines and the witnesses allowed to disperse.

§ See para 67 *et seq.*

Appendix.

CONFIRMATION.*

(a) Confirmed.

(b) Confirmed: but I remit_____

(c) Not confirmed.

Signed at_____on the_____day of_____
193—,

REVISION.

At_____on the_____day of
_____193_____at_____M. the Court
composed of the same members, all being present, re-assem-
bles by order of_____for the purpose of re-considering its
_____†

The Munshi is present.

The order directing the re-assembly of the Court, and
the letter [*or memorandum*] giving the reasons of Govern-
ment for requiring a revision of the_____
_____†
are read and attached to the proceedings.The Court, having attentively considered the observa-
tions of the Convening officer, does now_____

Signed this_____day of_____189—

_____ *President.*_____

_____ } *Members.*

* See paras 63-66.

† Here enter "Finding," or "Sentence" or both Finding and Sentence as the case may be.

THE GENERAL CLAUSES REGULATION 1899.

C O N T E N T S.

Preliminary.

SECTIONS

1. Short title and commencement.
2. Repeal.

General Definition.

3. Definitions.
4. Application of foregoing definitions to previous enactments

General Rules of Construction.

5. Coming into operation of enactments.
6. Effect of repeal.
7. Revival of repealed enactments.
8. Construction of references to repealed enactments.
9. Commencement and termination of time.
10. Computation of time.
11. Measurement of distances.
12. Duty to be taken *pro rata* in enactments.
13. Gender and number.

Powers and Functionaries.

14. Powers conferred on the Government to be exercisable from time to time.
15. Power to appoint to include power to appoint *ex-officio*.
16. Power to appoint to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Official chiefs and subordinates.

Provisions as to Orders, Rules, etc., made under Enactments.

20. Construction of orders, etc., issued under enactments.
21. Power to make, to include power to add to, amend, vary or rescind, orders, rules or bye-laws.
22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.
23. Provisions applicable to making of rules or bye-laws after previous publication.
24. Continuation of orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

SECTIONS

25. Recovery of fines.
26. Provision as to offences punishable under two or more enactments.
27. Meaning of service by post.
28. Citation of enactments.
29. Saving for previous enactments, rules and bye-laws.
30. Interpretation of British Indian Acts extended to Mysore.
31. Changes involved in the application *mutatis mutandis* of British Indian enactments to Mysore.

THE SCHEDULE.

ENACTMENTS REPEALED.

REGULATION No. III OF 1899.

(PASSED ON THE 3RD DAY OF JULY 1899).

A Regulation for further shortening the language used in enactments in force in Mysore, and for other purposes.

WHEREAS it is expedient further to shorten the language used in enactments in force in Mysore, and to make certain other provisions relating to those enactments; Her Highness the Maharani-Regent is pleased to enact as follows :—

Preliminary.

1. (1) This Regulation may be called the General Short title and commencement.
Clauses Regulation, 1899 ; and
- (2) It shall come into force at once.
2. The Acts mentioned in the schedule are repealed Repeal.
to the extent specified in the fourth column thereof.

General Definitions.

3. In this Regulation, and in all Regulations made Definitions.
after the commencement of this Regulation, unless there is anything repugnant in the subject or context,—

(1) “abet,” with its grammatical variations and “ Abet.”
cognate expressions, shall have the same meaning as in the Indian Penal Code :

(2) “act,” used with reference to an offence or a “ Act.”
civil wrong, shall include a series of acts and words which refer to acts done extend also to illegal omissions :

(3) “affidavit” shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing : “ Affidavit.”

(4) “barrister” shall mean a barrister of England, “ Barrister.”
or Ireland, or a member of the Faculty of Advocates in Scotland :

(5) “British India” shall mean all territories and “ British India.”
places within Her Majesty the Queen’s dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India.

Section 3.

- "Chapter." (6) "Chapter" shall mean a Chapter of the Regulation in which the word occurs;
- "High Court." (7) *High Court,* used with reference to civil proceedings, shall mean the highest Civil Court of appeal in Mysore:
- "Commencement." (8) "Commencement," used with reference to a Regulation, shall mean the day on which the Regulation comes into force:
- "Deputy Commissioner." (9) "Deputy Commissioner" shall mean the chief officer in charge of the revenue-administration of a district:
- "District Judge." (10) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction:
- "Document." (11) "Document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:
- "Enactment." (12) "Enactment" shall include—
 (a) a Regulation,
 (b) an Act of the Governor-General of India in Council or of a local Legislature in India, introduced as law into Mysore,
 (c) a body of Rules (other than rules made in exercise of a power conferred by any Regulation or by any such Act as aforesaid) prescribed as law in Mysore, and
 (d) any provision contained in any Regulation or in any such Act or body of Rules as aforesaid:
- "Father." (13) "Father," in the case of any one whose personal law permits adoption, shall include an adoptive father:
- "Financial year," "revenue year," or "official year." (14) "Financial year" or "revenue year" or "official year" shall mean the year commencing on the first day of July:
- "Good faith." (15) A thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:
- "Government." (16) "Government" or "the Government" or "the Government of Mysore" shall mean the person authorized to administer executive Government in Mysore:
- "Immoveable property." (17) "Immoveable property" shall include land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

[*.*] The words "High Court" were substituted for the words "Chief Court" by Regulation XII of 1930.

Section 3.

(18) "Imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: "Imprisonment."

(19) "Judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken: "Judicial proceeding."

(20) "Local authority" shall mean a municipal committee, district board, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund: "Local authority."

(21) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: "Magistrate."

(22) "Month" shall mean a month reckoned according to the British calendar: "Month."

(23) "Moveable property" shall mean property of every description, except immoveable property: "Moveable property."

(24) "Mysore" shall mean the territories of Mysore: "Mysore."

(25) "Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing. "Oath."

(26) "Offence" shall mean any act or omission made punishable by any law for the time being in force: "Offence."

(27) "Part" shall mean a Part of the Regulation in which the word occurs: "Part."

(28) "Person" shall include any company or association or body of individuals, whether incorporated or not: "Person."

(29) "Place" shall include also a house, building, tent and vessel: "Place."

(30) "Public" shall include any class of the public or any community: "Public."

(31) "Public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: "Public nuisance."

(32) "Registered," used with reference to a document, shall mean registered under the law for the time being in force in Mysore for the registration of documents: "Registered."

(33) "Regulation" shall mean a Regulation passed by the Maharaja: "Regulation."

(34) "Rule" shall mean a rule made in exercise of a power conferred by any enactment: "Rule."

(35) "Schedule" shall mean a schedule to the Regulation in which the word occurs: "Schedule."

(36) "Section" shall mean a section of the Regulation in which the word occurs: "Section."

Sections 4-6.

- "Sign." (37) "Sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions :
- "Son." (38) "Son," in the case of any one whose personal law permits adoption, shall include an adopted son :
- Sub-section.' (39) "Sub-section" shall mean a sub-section of the section in which the word occurs :
- "Swear." (40) "Swear," with its grammatical variations and cognate expressions shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing :
- "Will." (41) "Will," shall include a codicil and every writing making a voluntary posthumous disposition of property.
- "Writing." (42) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form : and
- "Year." (43) "Year" shall mean a year reckoned according to the British calendar.

Application
of foregoing
definitions to
previous
enactments.

4. The definitions in section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," *High Court,* "District Judge," "father," "immoveable property," "imprisonment," "Magistrate," "month," "moveable property," "oath," "person," "section," "son," "swear," "will," and "year" apply also, unless there is anything repugnant in the subject or context, to all enactments made after the third day of January 1868.

General Rules of Construction.

Coming into
operation of
enactments.

5. (1) Where any Regulation is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it receives the assent of the Maharaja.

(2) Unless the contrary is expressed, a Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

Effect of
repeal.

6. Where this Regulation, or any Regulation made after the commencement of this Regulation, repeals any

*-The words "High Court" were Substituted for the words Chief Court by Regulation XII of 1930.

Section 7-10.

enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(a) revive anything not in force or existing at the time at which the repeal takes effect ; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Regulation had not been passed.

7. (1) In any Regulation made after the commencement of this Regulation, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Revival of repealed enactments.

(2) This section applies also to all enactments made after the third day of January 1863.

8. Where this Regulation, or any Regulation made after the commencement of this Regulation, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed, shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Construction of references to repealed enactments.

9. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from", and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

Commencement and termination of time.

(2) This section applies also to all enactments made after the third day of January 1868.

10. Where, by any Regulation made after the commencement of this Regulation, any act or proceeding is directed or allowed to be done or taken in any Court or

Computation of time.

Sections 11-16.

office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, as amended by Regulation III of 1896, applies.

Measurement
of distances.

11. In the measurement of any distance, for the purposes of any Regulation made after the commencement of this Regulation, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Duty to be
taken *pro rata*
in enactments

12. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Gender and
number.

13. In all enactments, unless there is anything repugnant in the subject or context,—

(1) words importing the masculine gender shall be taken to include females ; and

(2) words in the singular shall include the plural, and *vice versa*.

Powers and Functionaries.

Powers con-
ferred on the
Government
to be exercis-
able from
time to time.

14. Where, by any Regulation made after the commencement of this Regulation, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

Power to
appoint to
include power
to appoint
ex-officio.

15. Where, by any enactment, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Regulation, may be made either by name or by virtue of office.

Power to
appoint to
include power
to suspend or
dismiss.

16. Where, by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power,

Sections 17-21.

17. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

Substitution
of function-
aries.

(2) This section applies also to all enactments made after the third day of January 1868.

18. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Successors.

(2) This section applies also to all enactments made after the third day of January 1868.

19. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

Official chiefs
and subordi-
nates.

(2) This section applies also to all enactments made after the third day of January 1868.

*Provisions as to Orders, Rules, etc., made under
Enactments.*

20. Where, by any enactment, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law, if it is made after the commencement of this Regulation, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the enactment conferring the power.

Construction
of orders, etc.
issued under
enactments.

21. Where, by any enactment, a power to make orders, rules or bye-laws is conferred, then that power includes a power, exerciseable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Power to
make to
include power
to add to,
amend,
vary or
rescind,
orders, rules
or bye-laws.

Sections 22-23.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

22. Where, by any enactment which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the enactment, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the enactment, then that power may be exercised at any time after the passing of the enactment; but rules, bye-laws or orders so made or issued shall not take effect till—the commencement of the enactment.

Provisions applicable to making of rules or bye-laws after previous publication.

23. Where, by any enactment, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, the following provisions shall apply, namely:—

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Sections 24-28.

24. Where any enactment is, after the commencement of this Regulation, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed enactment, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rules, form or bye-law issued under the provisions so re-enacted.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

25. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any enactment, rule or bye-law, unless the enactment, rule or bye-law contains an express provision to the contrary.

Recovery of fines.

26. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Provision as to offences punishable under two or more enactments.

27. Where any Regulation made after the commencement of this Regulation authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post.

28. (1) In any enactment, and in any rule, bye-law, instrument or document, made under, or with reference to, any enactment, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

Citation of enactments.

Sections 29-31.

(2) In this Regulation and in any Regulation made after the commencement of this Regulation, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for
previous
enactments,
rules and bye-
laws.

29. The provisions of this Regulation respecting the construction of enactments, rules or bye-laws made after the commencement of this Regulation, shall not affect the construction of any enactment, rule or bye-law made before the commencement of this Regulation, although the enactment, rule or bye-law is continued or amended by an enactment, rule or bye-law made after the commencement of this Regulation.

Interpretation
of British
Indian Acts
extended to
Mysore.

30. Every Act of the Governor-General of India in Council or of a local Legislature in India extended to Mysore shall, as far as possible, be subject to the same rules of interpretation as in British India.

Changes
involved in
the applica-
tion *mutatis*
mutandis of
British
Indian enact-
ments to
Mysore.

31. Where any enactment of the Governor-General of India in Council or of a local Legislature in India is expressed to be applied or extended *mutatis mutandis* to Mysore or a part thereof, then unless a different intention appears, the following changes shall be deemed to be made in the said enactment as so applied or extended, namely:—

(i) the conversion of references to Local Governments, the Government of India or the Governor-General of India in Council into references to the Government of Mysore ;

(ii) the conversion of references to any authority, Court, officer or functionary in British India into references to the authority, Court, officer or functionary in Mysore vested with, or ordinarily exercising, the functions of such authority, Court, officer or functionary ;

(iii) the conversion of references to any enactment, rule, institution, person or thing in British India into references to the enactment, rule, institution, person or thing in Mysore most nearly corresponding to such enactment, rule, institution, person or thing ;

(iv) the conversion of references to territorial limits in British India into references to Mysore or a part thereof, as may be denoted by the context ;

Section 31. Schedule.

(v) the omission of references to all such matters as are peculiar to British India or have nothing corresponding to them in Mysore ; and,

(vi) generally, all such changes as may be necessary to give the said enactment as nearly as possible the same operation in Mysore as in British India.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Year	No.	Title or subject	Extent of repeal
1868	I	The General Clauses Act, 1868, as extended to Mysore by Notification of the Government of India, Judicial No. 93, dated the 11th July 1878.	The whole.
1872	I	The Indian Evidence Act, 1872 ...	So much as relates to Act I of 1868.

REGULATION No. IV of 1899.

(PASSED ON THE 27TH DAY OF OCTOBER 1899.)

A Regulation to apply the provisions of the Indian Telegraph Act, 1885, to all Telegraph lines in Mysore.**Preamble.**

Whereas it is expedient to apply the provisions of the Indian Telegraph Act, 1885, to all Telegraph lines in the territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

The Indian Telegraph Act to apply *mutatis mutandis* in respect of Telegraph lines in Mysore.

1. From and after the date of the passing of this Regulation, the provisions of the Indian Telegraph Act, 1885, shall, *mutatis mutandis*, apply in respect of every Telegraph line established, maintained or worked within the territories of Mysore.

Vesting of privileges, etc., in the British Government and its officers in respect of lines worked by the British Telegraph Department.

2. Notwithstanding anything contained in section 1, the privileges, powers and duties of the Government, the Telegraph authority and Telegraph officers shall, as regards Telegraph lines worked by the British Telegraph Department, vest in, and be exercised and performed by, the British Government, and the Telegraph authority and Telegraph officers employed by the British Government.

REGULATION No. V OF 1899.

(PASSED ON THE 23RD DAY OF NOVEMBER 1899.)

**A Regulation to amend the Land Improvement Loans
Regulation, 1890.**

Whereas it is expedient to amend the Land Improvement Loans Regulation, 1890 ; Her Highness the Maharani-Regent is pleased to enact as follows ;—

1. (1) This Regulation may be called the Land Improvement Loans (Amendment) Regulation, 1899 ; and Short title and commencement.
- (2) It shall come into force at once.

2. In section 6, sub-section (1) of the Land Improvement Loans Regulation, 1890, for the words “from the date of the actual advance of the last instalment,” the words “from the date of the advance of the last instalment actually paid” shall be substituted and shall be deemed to have been substituted with effect from the commencement of the said Regulation. Amendment with retrospective effect of section 6, Regulation IV, 1890.

REGULATION No. VI OF 1899.

(PASSED ON THE 16TH DAY OF DECEMBER 1899.)

A Regulation to provide for and regulate the destruction and segregation of stray dogs and of diseased horses and cattle.

Her Highness the Maharani-Regent is pleased to enact as follows:—

Government may make rules regarding the destruction or segregation of stray dogs and diseased horses and cattle:

1. (1) The Government may, from time to time, make rules to provide for and regulate the destruction or segregation of stray dogs, and of horses and cattle suffering from anthrax, glanders, rinderpest or any other such disease in any part of the territories of Mysore (a) and to regulate the movement of dogs, horses and cattle from any local area which is so infected (a).

And impose penalties for breach of any rule.

(2) In making any such rule, the Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

THE MYSORE STAMP REGULATION, 1900.

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REGULATION No. II OF 1900.

(PASSED ON THE 21ST DAY OF APRIL 1900.)

**A Regulation to Consolidate and Amend the Law
Relating to Stamps.**

Whereas it is expedient to consolidate and amend the law relating to Stamps; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Regulation may be called the Mysore Stamp Regulation, 1900.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1900.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

“Banker.”

(1) “banker” includes a bank and any person acting as a banker.

(2) “bill of exchange” means an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money:

“Bill of
exchange pay-
able on
demand.”

(3) “bill of exchange payable on demand” includes—

(a) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;

(b) an order for the payment of any sum of money weekly, monthly, or at any other stated periods; and

Section 2.

(c) a letter of credit, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn.

(4) "bill of lading" includes a "through bill of lading," but does not include a mate's receipt:

"Bill of lading."

(5) "bond" includes—

"Bond."

(a) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed or is not performed, as the case may be;

(b) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and

(c) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another:

(6) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Regulation, chargeable under this Regulation, and as applied to any other instrument chargeable under the law in force in Mysore when such instrument was executed or, where several persons executed the instrument at different times, first executed.

"Chargeable."

(7) "cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand;

"Cheque."

(8) "Chief Controlling Revenue-authority" means the Government or such officer as the Government may, by notification in the official Gazette, appoint in this behalf:

"Chief Controlling Revenue-authority."

(9) "conveyance" includes a conveyance on sale and every instrument by which property, whether moveable, or immoveable is transferred *inter vivos* and which is not otherwise specifically provided for by Schedule I [a] or by Schedule I-A., as the case may be [a].

"Conveyance."

(10) "Deputy Commissioner"

"Deputy Commissioner."

(a) means the Deputy Commissioner of a district, and

(b) includes any officer whom the Government may, by notification in the official Gazette, appoint in this behalf:

Section 2.

"Duly stamped."

(11) "duly stamped," as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in Mysore :

"Executed" and "execution."

(12) "executed" and "execution," used with reference to instruments, mean "signed" and "signature":

"Impressed stamp."

(13) "impressed stamp" includes—

(a) labels affixed and impressed by the proper officer; and

(b) stamps embossed or engraved on stamped paper ;

"Instrument."

(14) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded :

"Instrument of partition."

(15) "instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any Revenue-authority or any Civil Court and an award by an arbitrator directing a partition :

"Lease"

(16) "lease" means a lease of immoveable property, and includes also—

(a) a patta ;

(b) a kabuliyat or other undertaking in writing not being a counterpart of a lease to cultivate, occupy, or pay or deliver rent for, immoveable property ;

(c) any instrument by which tools of any description are let ;

(d) any writing on an application for a lease intended to signify that the application is granted :

"Marketable security."

[a] 16.A. Marketable security means a security of such a description as to be capable of being sold in any stock market in British India or in the United Kingdom or in Mysore. [a]

"Mortgage deed."

(17) "mortgage deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers, or creates, to or in favour of, another, a right over or in respect of specified property :

Section 2.

(18) "paper" includes vellum, parchment or any other material on which an instrument may be written. "Paper."

(19) "policy of insurance" includes—

"Policy of insurance."

(a) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event:

(b) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance; * * *

(20) "policy of sea-insurance" or "sea policy"—

"Policy of sea-insurance" or "sea-policy."

(a) means any insurance made upon any ship or vessel (whether for marine or inland navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of or any other interest which may be lawfully insured in, or relating to, any ship or vessel, and

(b) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of clause (a), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:

Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance:

(21) "power-of-attorney" includes any instrument (not chargeable with a fee under the law relating to Court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it:

"Power-of attorney."

(22) "promissory note" means an instrument in writing (not being a bank note or a currency note) containing an unconditional undertaking, signed by the maker,

"Promissory note."

*The Sub-clause (c) of definition 19 and the word and prefixed thereto were repealed by Regulation II of 1908.

Section 2.

to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument ;

it also includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen :

“Receipt.

(23) “ receipt ” includes any note, memorandum or writing—

(a) whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or

— (b) whereby any other moveable property is acknowledged to have been received in satisfaction of a debt, or

(c) whereby any debt, or demand or any part of a debt or demand, is acknowledged to have been satisfied or discharged or,

(d) which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person ; and

“ Settlement.”

(24) “ settlement ” means any non-testamentary disposition, in writing, of moveable or immoveable property made—

(a) in consideration of marriage,

(b) for the purpose of distributing property of the settlor among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

(c) for any religious or charitable purpose :

and includes an agreement in writing to make such a disposition, [a] and where any such disposition has not been made in writing, any instrument recording whether by way of declaration, of trust or otherwise, the terms of any such disposition. [a]

[a-a] This was inserted by Regulation II of 1908.

Section 3.

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

3. Subject to the provisions of this Regulation and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in that schedule as the proper duty therefor respectively, that is to say—

Instruments
chargeable
with duty.

(a) every instrument mentioned in that schedule which, not having been previously executed by any person, is executed in Mysore on or after the first day of July 1900;

(b) every bill of exchange, [b] payable otherwise than on demand [b] or promissory note drawn or made out of Mysore on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in Mysore; and

(c) every instrument (other than a bill of exchange* or promissory note) mentioned in that schedule, which, not having been previously executed by any person, is executed out of Mysore on or after that day, relates to any property situate, or to any matter or thing done or to be done, in Mysore and is received in Mysore:

†(a) Provided that, except as otherwise expressly provided in this Regulation, and notwithstanding anything contained in clause (a) or (c) of this section or in Schedule I, the amount indicated in Schedule I-A shall, subject to the exemptions contained in that schedule, be the duty chargeable on the following instruments:—

(aa) every instrument mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed in Mysore on or after the first day of February 1923.

(bb) every instrument mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed

[b-b] The word "Cheque" was omitted and these words were added by Section 2 (1) (a) of Regulation I of 1928.

*The word 'Cheque' was omitted by section 2 (1) (b) of Regulation I of 1928.

†-†Added by Regulation VII of 1922.

Sections 4-6.

out of Mysore on or after the first day of February 1928 and relates to any property situated or to any matter or thing done or to be done in Mysore and is received in Mysore.†

Provided* also* that no duty shall be chargeable in respect of any instrument, executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument.

Several instruments used in single transaction of sale, mortgage or settlement.

4 (1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I,* or in Schedule I-A as the case may be* for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee *(or one rupee four annas)* instead of the duty (if any) prescribed for it in *Schedule I or in schedule I-A as the case may be.*

(2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument.

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

Instruments relating to several distinct matters.

5. Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Regulation.

Instruments coming within several descriptions in Schedule I.

6. Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedule I, *or in schedule I-A as the case may be* shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties.

Provided that nothing in this Regulation contained shall render chargeable with duty exceeding one rupee* or one rupee four annas* a counter-part or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

Sections 7-9.

7. (1) No contract for sea-insurance other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894, shall be valid unless the same is expressed in a sea-policy. Policies of sea-insurancer.

(2) No sea-policy made for time shall be made for any time exceeding twelve months.

(3) No sea-policy shall be valid unless it specifies the particular risk or adventure; or the time, for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with a duty as a policy for or upon a voyage, and also with duty as a policy for time.

8. (1) Notwithstanding anything in this Regulation, any local authority raising a loan under the provisions of any law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of eight annas per centum on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped and shall not be chargeable with any further duty on renewal, consolidation subdivision or otherwise. Bonds, debentures or other securities issued on loans.

(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not.

(3) In the case of wilful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

9. The Government may, by rule or order published in the official Gazette,—

(a) reduce or remit, whether prospectively, or retrospectively, in the whole or any part of Mysore, the

Power to reduce, remit or compound duties.

Sections 10-11.

duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class or person, or by or in favour of any members of such class, are chargeable; and

(b) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities.

B.—Of Stamps and the mode of using them.

~~any duty to~~
be paid.

10. (1) Except as otherwise expressly provided in this Regulation, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps—

(a) according to the provisions herein contained;

or,

(b) when no such provision is applicable thereto—as the Government may by rule direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

(a) in the case of each kind of instrument—the description of stamps which may be used;

(b) in the case of instruments stamped with impressed stamps—the number of stamps which may be used;

(c) in the case of bills of exchange or promissory notes written in any Oriental language—the size of the paper on which they are written.

Use of
adhesive
stamps.

11. The following instruments may be stamped with adhesive stamps, namely:—

(a) instruments chargeable with the duty of one anna* or half an-anna* except parts of bills of exchange payable otherwise than on demand and drawn in sets;

(b) bills of exchange,† and promissory notes drawn or made out of Mysore;

(c) entry as an advocate on the roll of the Chief Court;

(d) notarial acts; and

*-These words were inserted by Regulation II of 1908.

† The word 'cheques' was omitted by section 2 (2) of Regulation I of 1928.

Sections 12-16.

(e) transfers by endorsement of shares in any incorporated company or other body corporate.

12. (1) (a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and

Cancellation
of adhesive
stamps.

(b) Whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again shall, so far as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing or in any other effectual manner.

13. Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

Instruments
stamped with
impressed
stamps how
to be written

14. No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

Only one
instrument to
be on same
stamp.

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

15. Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

Instruments
written
contrary to
section 13 or
14 deemed
unstamped.

16. Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall,

Denoting
duty.

Sections 17-19.

if application is made in writing to the Deputy Commissioner for that purpose, and on production of both the instruments, be denoted upon such first mentioned instrument by endorsement under the hand of the Deputy Commissioner or in such other manner if any as the Government may by rule prescribe.

C.—Of the time of stamping Instruments.

Instruments
executed in
Mysore.

17. All instruments chargeable with duty and executed by any person in Mysore shall be stamped before or at the time of execution.

Instruments
other than
bills, cheques
and notes
executed out
of Mysore.

18. (1) Every instrument chargeable with duty executed only out of Mysore and not being a bill of exchange,† or promissory note, may be stamped within three months after it has been first received in Mysore.

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Deputy Commissioner, who shall stamp the same, in such manner as the Government may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

Bills, cheques
and notes
drawn out of
Mysore.

19. The first holder in Mysore of any bill of exchange * payable otherwise than on demand*† or promissory note drawn or made out of Mysore shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in Mysore, affix thereto the proper stamp and cancel the same:

Provided that,—

(a) if, at the time any such bill of exchange, † or note comes into the hands of any holder thereof in Mysore, the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Regulation, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled.

. Added by section 2 (4) of Regulation I of 1928.

† The word 'cheque' was omitted by Section 2 (4) of Regulation I of 1928.

Sections 20-23A.

(b) Nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

D.—Of Valuations for Duty.

20. (1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of Mysore, such duty shall be calculated on the value of such money in the currency of Mysore according to the current rate of exchange on the day of the date of the instrument.

Conversion of amount expressed in foreign currencies.

(2) The Government may from time to time, by notification in the official Gazette, prescribe a rate of exchange for the conversion of any foreign currency into the currency of Mysore for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).

21. Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

Stock and marketable securities how to be valued.

22. Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject-matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

Effect of statement of rate of exchange or average price.

23. Where interest is expressly made payable by the terms of an instrument such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein

Instruments reserving interest.

***23A.** (1) Where an instrument (not being a promissory note or bill of exchange),

(a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt; or

'Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.'

* This new section was inserted by the Regulation II of 1908.

Section 24.

- (b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,
it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (b) of Schedule I, *or Article No. 4 (c) of Schedule I-A as the case may be.*

(2) A release or discharge of any such instrument shall be chargeable with the like duty.

How transfer
in considera-
tion of debt,
or subject to
future
payment, etc.,
to be charged,

24. Where any property is transferred to any person in consideration, wholly or in part, of any debt to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty :

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 17 of Schedule I, * or Article 15 of Schedule I-A, as the case may be.*

Explanation.—In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale :

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

Illustrations.

(1) A owes B Rs. 1,000. A sells a property to B the consideration being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and unpaid interest Rs. 200. Stamp-duty is payable on Rs. 1,700.

- Added by Regulation VII of 1922.

Sections 25-26.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

25. Where an instrument is executed to secure the payment of annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Regulation, be deemed to be,—

Valuation in case of annuity, etc.

(a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained—such total amount;

(b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance—the total amount which, according to the terms of such instrument or conveyance will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

(c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

26. Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Regulation) could not have been, ascertained at the date of its execution, or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient:

Stamp where value of subject-matter is indeterminate.

[a] “Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have

[a]—[a] This was substituted by Regulation II of 1908 for the old proviso.

Sections 27-28.

estimated such royalty or the value of such share, for the purpose of stamp duty,—

(a) when the lease has been granted by or on behalf of the Government, at such amount or value as the Deputy Commissioner may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or

(b) When the lease has been granted by any other person, at twenty thousand rupees a year; and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease.” [a]

Provided also that, where proceedings have been taken in respect of any instrument under section 31 or 41, the amount certified by the Deputy Commissioner shall be deemed to be the stamp actually used at the date of execution.

Facts affecting duty to be set forth in instrument.

27. The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

Direction as to duty in case of certain conveyances.

28. (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct consideration.

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other

Section 29.

person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with *ad valorem* duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole or any part thereof to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad valorem* duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

Provided that the duty on such last mentioned conveyance shall in no case be less than one rupee.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration paid by him and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

E.—Duty by whom payable.

29. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,— Duties by whom payable.

(a) in the case of any instrument described in any of the following Articles of Schedule I *or the corresponding articles of Schedule I-A, as the case may be,* namely:—

No. 2. (Administration Bond),

Section 29.

- [†] No. 6. (Agreement relating to deposit of title deeds, pawn or pledge),
 No. 12. (Bill of exchange).
 No. 14. (Bond),
 No. 15. (Bottomry Bond),
 No. 25. (Customs Bond),
 No. 26. (Debenture),
 No. 30. (Further Charge),
 No. 32. (Indemnity Bond).
 No. 38. (Mortgage Deed),
 No. 47. (Promissory Note),
 No. 53. (Release),
 No. 54. (Respondentia Bond),
 No. 55. (Security Bond or Mortgage deed),
 No. 56. (Settlement),
 No. 60. (a). (Transfer of shares in an incorporated company or other body corporate),
 No. 60. (b). (Transfer of Debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8),
 No. 60. (c). (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),—

by the person drawing, making or executing such instrument:

(b) in the case of policy of insurance * other than fire-insurance*—by the person effecting the insurance:

* (bb) In the case of a policy of fire-insurance—by the person insuring the policy.*

(c) in the case of a conveyance (including a reconveyance of mortgaged property) by the grantee: in the case of a lease or agreement to lease—by the lessee or intended lessee:

(d) in the case of a counterpart of a lease -- by the lessor:

(e) in the case of an instrument of exchange—by the parties in equal shares:

[†] This was substituted for the original by Regulation II of 1908.

. Inserted by Regulation II of 1908.

Sections 30-31.

(f) in the case of a certificate of sale—by the purchaser of the property to which such certificate relates: and

(g) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue, authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

30. Any person receiving any money exceeding twenty rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding twenty rupees, or receiving in satisfaction or part satisfaction of a debt any moveable property exceeding twenty rupees in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

Obligation to give receipt in certain cases.

* Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance shall within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same.

CHAPTER III.

ADJUDICATION AS TO STAMPS.

31. (1) When any instrument, whether executed or not and whether previously stamped or not is brought to the Deputy Commissioner, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than eight annas) as the Deputy Commissioner may in each case direct, the Deputy Commissioner shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

Adjudication as to proper stamp.

(2) For this purpose the Deputy Commissioner may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and

[*] This para was added by Regulation II of 1908.

Section 32.

circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application, until such abstract and evidence have been furnished accordingly :

Provided that—

(a) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an enquiry as to the duty with which the instrument to which it relates is chargeable; and

(b) every person by whom any such evidence is furnished, shall, on payment of the full duty with which the instrument to which it relates, is chargeable, be relieved from any penalty which he may have incurred under this Regulation by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

Certificate by
Deputy Com-
missioner.

32. (1) When an instrument brought to the Deputy Commissioner under section 31 is, in his opinion, one of a description chargeable with duty, and

(a) the Deputy Commissioner determines that it is already fully stamped, or

(b) the duty determined by the Deputy Commissioner under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid,

the Deputy Commissioner shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(2) When such instrument is, in his opinion, not chargeable with duty, the Deputy Commissioner shall certify in manner aforesaid that such instrument is not so chargeable.

(3) Any instrument upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped;

Provided that nothing in this section shall authorize the Deputy Commissioner to endorse—

Section 33.

(a) any instrument executed or first executed in Mysore and brought to him after the expiration of one month from the date of its execution, or first execution, as the case may be ;

(b) any instrument executed or first executed out of Mysore and brought to him after the expiration of three months after it has been first received in Mysore ; or

(c) any instrument chargeable with the duty of one anna, * (or half-an-anna*) † or a mortgage of crop [Article 32 (a) of schedule I A] chargeable under clauses, (aa) or (bb) of section 3 with a duty of two annas † or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

33. (1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions. shall, if it appears to him that such instrument is not duly stamped, impound the same. Examination and impounding of instruments.

(2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in Mysore when such instrument was executed or first executed :

Provided that—

(a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure ;

(b) in the case of a Judge of the Chief Court, the duty of examining and impounding any instrument under

. These words were inserted by Regulation II of 1908.

†-†

Do

VII of 1922.

Sections 34-35.

this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purposes of this section, in cases of doubt, the Government may determine

(a) what offices shall be deemed to be public offices; and

(b) who shall be deemed to be persons in charge of public offices.

Special provision as to unstamped receipts.

34. Where any receipt chargeable with a duty of one anna is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

Instruments not duly stamped inadmissible in evidence, etc.

35. No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped:

Provided that—

(a) any such instrument not being an instrument chargeable with a duty of one anna * or half-an-anna only, † or a mortgage of crop [Article 32 (a) of schedule I-A] chargeable under clauses (aa) or (bb) of section 3 with a duty of two annas † or a bill of exchange or promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

(b) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;

. These words were inserted by Regulation II of 1908.

†-†

Do

VII of 1922.

Sections 36-38.

(c) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp the contract or agreement shall be deemed to be duly stamped ;

(d) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure ;

(e) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the Government, or where it bears the certificate of the Deputy Commissioner as provided by section 32 or any other provision of this Regulation.

36. Where an instrument has been admitted in evidence such admission shall not, except as provided in Section 61, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

Admission of instrument where not to be questioned.

37. The Government may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

Admission of improperly stamped instruments.

38. (1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Deputy Commissioner an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Deputy Commissioner, or to such person as he may appoint in this behalf.

Instruments impounded how dealt with.

(2) In every other case, the person so impounding an instrument shall send it in original to the Deputy Commissioner.

Sections 39-40.

Deputy Com-
missioner's
power to
refund
penalty paid
under section
38, sub-
section (1).

39. (1) When a copy of an instrument is sent to the Deputy Commissioner under section 38, sub-section (1), he may, if he thinks fit, upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue authority, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Deputy Commissioner may refund the whole penalty so paid.

Deputy Com-
missioner's
power to
stamp
instruments
impounded.

40. (1) When the Deputy Commissioner impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable with a duty of one anna * or half an anna * only † or a mortgage of crop (Article 32(a) of Schedule I-A) chargeable under clause, (aa) or (bb) of section 3 with a duty of two annas † or a bill of exchange or promissory note, he shall adopt the following procedure :—

- (a) if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be ;
- (b) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees ; or, if he thinks fit, * an amount not exceeding * ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees :

Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Deputy Commissioner may, if he thinks fit, remit the whole penalty prescribed by this section.

[*.*] This was inserted by Regn. II of 1908.

[†-†] Inserted by Regn. VII of 1922.

Sections 41-42.

(2) Every certificate under clause (a) of sub-section (1) shall, for the purposes of this Regulation, be conclusive evidence of the matters stated therein.

(3) Where an instrument has been sent to the Deputy Commissioner under section 33, sub-section (2), the Deputy Commissioner shall, when he has dealt with it as provided by this section, return it to the impounding officer.

41. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of one anna * or half an anna * only † or a mortgage of crop (Article 32(a) of Schedule I-A) chargeable under clauses (aa) or (bb) of section 3 with a duty of two annas † or a bill of exchange or promissory note, is produced by any person of his own motion before the Deputy Commissioner within one year from the date of its execution or first execution and such person brings to the notice of the Deputy Commissioner the fact that such instrument is not duly stamped and offers to pay to the Deputy Commissioner the amount of the proper duty, or the amount required to make up the same, and the Deputy Commissioner is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

Instruments unduly stamped by accident.

42. (1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40 or section 41, the person admitting such instrument in evidence or the Deputy Commissioner, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof and the name and residence of the person paying them.

Endorsement of instruments on which duty has been paid under section 35, 40 or 41.

(2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in his behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct:

- Inserted by Regulation II of 1908.

†-† Inserted by Regulation VII of 1222.

Sections 43-44.

Provided that—

- (a) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or if the Deputy Commissioner has certified that its further detention is necessary and has not cancelled such certificate;
- (b) nothing in this section shall affect the Code of Civil Procedure, section 144, clause 3.

Prosecution
for offence
against
stamp law.

43. The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the Stamp-law in respect of such instrument :

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Deputy Commissioner that the offence was committed with an intention of evading payment of the proper duty.

Persons
paying duty
or penalty
may recover
same in
certain cases.

44. (1) When any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

(2) For the purpose of such recovery any certificate granted in respect of such instrument under this Regulation shall be conclusive evidence of the matters therein certified.

(3) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

Sections 45-48.

45. (1) Where any penalty is paid under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

Power to Revenue-authority to refund penalty or excess duty in certain cases.

(2) Where, in the opinion of the Chief Controlling Revenue-authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

46. (1) If any instrument sent to the Deputy Commissioner under section 38, sub-section (2), is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

Non-liability for loss of instruments sent under section 38.

(2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

47. When any bill of exchange, *or promissory note * chargeable with the duty of one anna is presented for payment unstamped, the person to whom it is so presented, may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill, *or note * and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as aforesaid, and such bill, *or note * shall, so far as respects the duty, be deemed good and valid :

Power of payer to stamp bills, promissory notes and cheques received by him unstamped.

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill, *or note *.

48 All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Deputy Commissioner by distress and sale of the movable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land revenue.

Recover of duties and penalties.

- Substituted for the words 'promissory note or cheque' by section 2 (5) of Regn. I of 1928.

Section 49.

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

Allowance
for spoiled
stamps.

49. Subject to such rules as may be made by the Government as to evidence to be required, or the enquiry to be made, the Deputy Commissioner may, on application made within the period prescribed in section 50, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely:—

(a) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person:

(b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any part thereto:

(c) in the case of bills of exchange [b]payable otherwise than on demand [b]* or promissory notes.

(1) the stamp on [c]any such bill of exchange [c]† signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance: provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange† to be afterwards written thereon.

(2) the stamp on any promissory note signed by or in behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:

(3) the stamp used or intended to be used for [c] any such bill of exchange [c] †(a) or promis-

[b. b.] Inserted by Regulation I of 1928.

[c. c.] Substituted for the original by Regulation I of 1928.

*The word "cheques" was omitted by Regulation I of 1928.

†The words "or cheque" and 'cheque respectively were omitted by Regulation I of 1928.

Section 49.

sory note signed by, or on behalf of, the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange* may have been presented for acceptance or accepted or endorsed, or being a promissory note, may have been delivered to the payee: provided that another completed and duly stamped bill of exchange,† or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with spoiled bill, cheque or note:

(d) the stamp used for an instrument executed by any party thereto which— .

- (1) has been afterwards found to be absolutely void in law from the beginning.
- (2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:
- (3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed:
- (4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:
- (5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose:
- (6) becomes useless in consequence of the transaction intended to be thereby effected, being effected by some other instrument between the same parties and bearing a stamp of not less value:

* The words 'or cheque' were omitted by Regulation I of 1928.

† The word 'cheque' was omitted by the same Regulation.

Section 50.

- (7) is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value :
- (8) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped.

Provided that, in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.

Explanation.—The certificate of the Deputy Commissioner under section 32, that the full duty with which an instrument is chargeable has been paid, is an impressed stamp within the meaning of this section.

Application
for relief
under section
49 when to be
made.

50. The application for relief under section 49 shall be made within the following periods, that is to say,—

(1) in the cases mentioned in clause (d) (5), within two months of the date of the instrument :

(2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled :

(3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after execution thereof by the person by whom it was first or alone executed :

Provided that,—

(a) when the spoiled instrument has been for sufficient reasons sent out of Mysore, the application may be made within six months after it has been received back in Mysore :

(b) when, from unavoidable circumstances, any instrument for which another instrument has been substituted, cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

Sections 51-54.

51. The Chief Controlling Revenue authority may, without limit of time, make allowance for stamped papers used for printed forms of instruments * by any banker or* by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said *banker* company or body corporate: provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

Allowance in case of printed forms no longer required by Corporations.

52. (a) When any person has inadvertently used for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Regulation, or a stamp of greater value than was necessary or has inadvertently used any stamp for an instrument not chargeable with any duty; or

Allowance for misused stamps.

(b) When any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13;

the Deputy Commissioner may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being, re stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

53. In any case in which allowance is made for spoiled or misused stamps, the Deputy Commissioner may give in lieu thereof—

Allowance for spoiled or misused stamps how to be made.

(a) other stamps of the same description and value; or,

(b) if required and he thinks fit, stamps of any other description to the same amount in value, or,

(c) at his discretion, the same value in money, deducting one anna for each rupee or fraction of a rupee.

54. When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or

Allowance for stamps not required for use.

*. *These words were inserted by Regulation II of 1908.

Sections 54-55.

useless for the purpose intended, but for which he has no immediate use, the Deputy Commissioner shall repay to such person the value of such stamp or stamps in money, deducting one anna for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Deputy Commissioner's satisfaction—

(a) that such stamp or stamps were purchased by such person with a *bona fide* intention to use them; and

(b) that he has paid the full price thereof; and

(c) that they were so purchased within the period of six months next preceding the date on which they were so delivered.

Provided that, where the person is a licensed vendor of stamps, the Deputy Commissioner may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

Allowance on
renewal of
certain debentures.

55. When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Deputy Commissioner shall, upon application within one month, repay to the person issuing such debenture, the value of the stamp on the original or on the new debenture, whichever shall be less :

Provided that the original debenture is produced before the Deputy Commissioner and cancelled by him in such manner as the Government may direct.

Explanation.—A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes :—

(a) the issue of two or more debentures in place of one original debenture, the total amount secured being the same ;

(b) the issue of one debenture in place of two or more original debentures, the total amount secured being the same ;

(c) the substitution of the name of the holder at the time of renewal for the name of the original holder ; and

(d) the alteration of the rate of interest or the dates of payment thereof.

Sections 56-59.

CHAPTER VI.

REFERENCE AND REVISION.

56. (1) The powers exercisable by a Deputy Commissioner under Chapter IV and Chapter V* and under clause (a) of the first proviso to section 26 (a) shall in all cases be subject to the control of the Chief Controlling Revenue-authority.

Control of, and statement of case to, Chief Controlling Revenue-authority.

(2) If any Deputy Commissioner, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue-authority.

(3) Such authority shall consider the case and send a copy of its decision to the Deputy Commissioner, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

57. (1) The Chief Controlling Revenue-authority may state any case referred to it under section 56, subsection (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon, to the † High Court.

Statement of case by Chief Controlling Revenue-authority to † High Court.

(2) Every such case shall be decided by not less than three Judges of the † High Court, and in case of difference, the opinion of the majority shall prevail.

58. If the † High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby the Court may refer the case back to the Revenue-authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf.

Power of † High Court to call for further particulars as to case stated.

59. (1) The † High Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

Procedure in disposing of case stated.

(2) The Court shall send to the Revenue-authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue-authority shall, on receiving

* These words were inserted by Regulation II of 1908.

†.† The words 'High Court' were substituted for the 'Chief Court' by Regulation XII of 1930.

Sections 60-61.

such copy, dispose of the case conformably to such judgment.

Statement of
case by other
Courts to
*‘High
Court.’

60. (1) If any Court, other than the *‘High Court’ feel doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the *‘High Court.’

(2) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(3) References made under sub-section (1), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

Revision of
certain deci-
sions of
Courts
regarding the
sufficiency of
stamps.

61. (1) When any Court in the exercise of its Civil or Revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or references are made by, such first mentioned Court may, of its own motion or on the application of the Deputy Comissioner, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send

*The words ‘High Court’ were substituted for the words ‘Chief Court’ by Regulation XII of 1930.

Section 62.

a copy thereof to the Deputy Commissioner and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

(4) The Deputy Commissioner may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43, prosecute any person for any offence against the Stamp-law which the Deputy Commissioner considers him to have committed in respect of such instrument.

Provided that—

- (a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Deputy Commissioner, unless he thinks that the offence was committed with an intention of evading payment of the proper duty ;
- (b) except for the purpose of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

CHAPTER VII.

CRIMINAL OFFENCES AND PROCEDURE.

62. (1) Any person—

- (a) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange, * payable otherwise than on demand*† or promissory note, without the same being duly stamped ; or
- (b) executing or signing otherwise than as a witness any other instrument chargeable with duty, without the same being duly stamped ; or

Penalty for
executing,
etc., instru-
ment not
duly stamped.

†The word 'oneque' was omitted by section (2) 7 of Regulation I of 1928.

*.*Added to by section (2) 7 of Regulation I of 1928.

Sections 63-65.

(c) voting or attempting to vote under any proxy not duly stamped ;

shall for every such offence be punishable with fine which may extend to five hundred rupees ;

Provided that, when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, the amount of such penalty shall be allowed in reduction of the fine 'if any' subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(2) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to cancel adhesive stamp.

63. Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

Penalty for omission to comply with provisions of section 27.

64. Any person who, with intent to defraud the Government,—

(a) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth ; or,

(b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances or

(c) does any other act calculated to deprive the Government of any duty or penalty under this Regulation ; shall be punishable with fine which may extend to five thousand rupees.

Penalty for refusal to give receipt, and for devices to evade duty on receipts.

65. Any person who,—

(a) being required under section 30 to give a receipt, refuses or neglects to give the same ; or,

(b) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered ;

Sections 66-69.

shall be punishable with fine which may extend to one hundred rupees.

66. Any person who—

(a) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance; or

(b) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy;

shall be punishable with fine which may extend to two hundred rupees.

67. Any person drawing or executing a bill of exchange * payable otherwise than on demand * or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

Penalty for not making out policy or making one not duly stamped.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

68. Any person who—

(a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or

(b) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same; or

(c) with the like intent, practises or is concerned in any act, contrivance or device not specially provided for by this Regulation or any other law for the time being in force;

shall be punishable with fine which may extend to one thousand rupees.

Penalty for post dating bills, and for other devices to defraud the revenue.

69 (a) Any person appointed to sell stamps who disobeys any rule made under section 74, and

Penalty for breach of rule relating to sale of stamps and for unauthorised sale.

[*.*] These words were inserted by Regulation I of 1928.

Sections 70-73.

(b) any person not so appointed who sells or offers for sale any stamp (other than a one-anna * or half an anna * adhesive stamp)

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Institution
and conduct
of prosecu-
tions.

70. (1) No prosecution in respect of any offence punishable under this Regulation or any enactment hereby repealed, shall be instituted without the sanction of the Deputy Commissioner or such other officer as the Government generally, or the Deputy Commissioner specially, authorizes in that behalf.

(2) The Chief Controlling Revenue-authority, or any officer generally or specially authorized by it in this behalf, may stay any such prosecution or compound any such offence.

(3) The amount of any such composition shall be recoverable in the manner provided by section 48.

Jurisdiction
of Magis-
trates.

71. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Regulation.

Place of trial

72. Every such offence committed in respect of any instrument may be tried in any district in which such instrument is found, as well as in any district in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Books, etc.,
to be open to
inspection.

73. Every public officer having in his custody any registers, books, records, papers, documents or proceedings the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Deputy Commissioner to inspect for such purpose the registers, books, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

[*.*] These words were inserted by Regulation II of 1908.

Sections 74-79.

74. The Government may make rules for regulating—

Powers to make rules relating to sale of stamps.

(a) the supply and sale of stamps and stamped papers,

(b) the persons by whom alone such sale is to be conducted, and

(c) the duties and remuneration of such persons:

Provided that such rules shall not restrict the sale of one-anna * or half an anna * adhesive stamps.

75. The Government may also make rules to carry out generally the purposes of this Regulation, and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

Power to make rules generally to carry out Regulation.

76. (1) All rules made under this Regulation shall be published in the Official Gazette.

Publication of rules.

(2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Regulation.

77. Nothing in this Regulation contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to Court-fees.

Saving as to Court fees.

78. The Government shall make provision for the sale of a translation of this Regulation in Kanarese at a price not exceeding four annas per copy.

Regulation to be translated, and sold cheaply.

79. The enactments mentioned in Schedule II are repealed to the extent specified in the fourth column thereof.

Repeal.

SCHEDULE I.

STAMP-DUTY ON INSTRUMENTS.

(See Section 3.)

Description of Instrument	Proper Stamp-duty
1. Acknowledgment of a debt exceeding twenty rupees in <i>amount or value</i> , written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession: <i>provided</i> that such acknowledgment does not contain any promise to pay the debt or <i>any stipulation to pay interest</i> or to deliver any goods or other property.	One Anna.
2. Administration-Bond , including a bond given under section 256 of the Indian Succession Act 1865, section 6 of the Government Savings Banks Act, 1873, or Act XXVII of 1860.*	
(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bond (No. 14) for such amount.
(b) in any other case	Five rupees.
3. Adoption Deed , that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Ten rupees.
4. Affidavit , including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	One rupee.
<i>Exemptions.</i>	
Affidavit or declaration in writing when made —	
(a) for the immediate purpose of being filed or use in any Court or before the officer of any Court: or	
(b) for the sole purpose of enabling any person to receive any pension or charitable allowance.	

* This should be construed as referring to Regulation VII of 1901.
Section 2 (1) which repeals Act XXVII of 1860.

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
5. Agreement or Memorandum of an Agreement :—	
(a) if relating to the sale of a Government Security, or share in an incorporated company or other body corporate, or a bill of exchange.	One anna.
(b) If not otherwise provided for	.. Eight annas.
<i>Exemption.</i>	
Agreement or Memorandum of Agreement :— for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 41 ;	
(a) Agreement to lease. — <i>See</i> LEASE (No. 33).	
6. AGREEMENT RELATING TO DEPOSIT OF TITLEDEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—	
(1) The deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security) ; or	
(2) The pawn or pledge of movable property where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or a future debt—	
(a) If such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement.	The same duty as a Bill of Exchange [No. 12(b)] for the amount secured.
(b) If such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a Bill of Exchange [No. 12(b)] for the amount secured.
<i>Exemption.</i>	
“Instrument of pawn or pledge of goods, if unattested.” (a)	
7. Appointment in execution of a power, whether of trustees or of property movable or immovable, where made by any writing not being a will.	Fifteen rupees.

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
8. Appraisement or Valuation made otherwise than under an order of the Court in the course of a suit—	
(a) where the amount does not exceed Rs. 1,000	The same duty as a Bond (No. 14) for such amount.
(b) in any other case	Five rupees.
<i>Exemptions.</i>	
(a) Appraisement or valuation made for the information of one party only and not being in any manner obligatory between parties either by agreement or operation of law.	
(a) Appraisement for crops for the purpose of ascertaining the amount to be given to a land-lord as rent.	
9. Apprenticeship-deed , including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment.	Five rupees.
<i>Exemption.</i>	
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of any public charity.	
10. Articles of Association of a Company ...	Twenty-five rupees.
<i>Exemption.</i>	
Articles of any Association not formed for profit and registered under section 26 of the Mysore Companies Regulation, 1895.	
<i>See also</i> MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 37).	
Assignment — <i>See</i> CONVEYANCE (No. 22) TRANSFER (No. 60,) and TRANSFER OF LEASE (No. 61), as the case may be.	

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp duty
<p>Attorney.—<i>See</i> POWER OF ATTORNEY (No. 46). Authority to adopt.—<i>See</i> ADOPTION-DEED (No. 3).</p>	
<p>11. Award, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—</p>	
<p>(a) where the amount or value of the property to which the award does not exceed Rs. 1,000 ;</p>	<p>The same duty as Bond (No. 14) for such amount.</p>
<p>(b) in any other case</p>	<p>Five rupees.</p>
<p>12. Bill of Exchange (as defined by section 2 (2) (*) not being a BOND, bank-note or currency note—</p>	
†	†
	†

(a) The word and figure 'and 3' were omitted by section 2 (9) of regulation 1 of 1928.

(††) Clause (a) of this article was omitted by regulation 2 (9) of regulation I of 1928.

SCHEDULE I—*contd.*

Description of Instrument				Proper Stamp-duty		
				If drawn singly	If drawn in set of two, for each part of the set	If drawn in set of three, for each part of the set
12. Bill of Exchange—<i>contd.</i>						
*(b) where payable otherwise than on demand, but not more than one year after date or sight—						
			Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.
if the amount of the bill or note does not exceed			200	0 3 0	0 2 0	0 1 0
if it exceeds Rs. 200 and does not exceed	...		400	0 6 0	0 3 0	0 2 0
Do	400	do	600	0 9 0	0 5 0	0 3 0
„	600	do	800	0 12 0	0 6 0	0 4 0
„	800	do	1,000	0 15 0	0 8 0	0 5 0
„	1,000	do	1,200	1 2 0	0 9 0	0 6 0
„	1,200	do	1,600	1 8 0	0 12 0	0 8 0
„	1,600	do	2,500	2 4 0	1 2 0	0 12 0
„	2,500	do	5,000	4 8 0	2 4 0	1 8 0
„	5,000	do	7,500	6 12 0	3 6 0	2 4 0
„	7,500	do	10,000	9 0 0	4 8 0	3 0 0
„	10,000	do	15,000	13 8 0	6 12 0	4 8 0
„	15,000	do	20,000	18 0 0	9 0 0	6 0 0
„	20,000	do	25,000	22 8 0	11 4 0	7 8 0
„	25,000	do	30,000	27 0 0	13 8 0	9 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000				9 0 0	4 8 0	3 0 0

* Revised by Regulation No. IV of 1916.

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>12 Bill of Exchange—<i>concl'd.</i></p>	
<p>(c) where payable at more than one year after date or sight.</p>	<p>The same duty as a Bond (No.) 14 for same amount.</p>
<p>13. Bill of Lading (including a through bill of lading).</p>	<p>Four annas.</p>
<p><i>Exemption.</i></p>	
<p>Bill of Lading when executed out of Mysore and relating to property to be delivered in Mysore.</p>	<p><i>N. B.</i>—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.</p>
<p>14. Bond as defined by section 2 (5) not being a DEBENTURE (No. 26) and not being otherwise provided for by this Regulation or by the Court-fees Regulation, 1900.</p>	
<p>where the amount or value secured does not exceed Rs. 10.</p>	<p>Two annas</p>
<p>where it exceeds Rs. 10 and does not exceed. ... 50</p>	<p>Four annas.</p>
<p>Do 50 do ... 100</p>	<p>Eight annas.</p>
<p>„ 100 do ... 200</p>	<p>One rupee.</p>
<p>„ 200 do ... 300</p>	<p>One rupee eight annas.</p>
<p>„ 300 do ... 400</p>	<p>Two rupees.</p>
<p>„ 400 do ... 500</p>	<p>Two rupees eight annas.</p>
<p>„ 500 do ... 600</p>	<p>Three rupees.</p>
<p>„ 600 do ... 700</p>	<p>Three rupees eight annas.</p>
<p>„ 700 do ... 800</p>	<p>Four rupees.</p>
<p>„ 800 do ... 900</p>	<p>Four rupees eight annas.</p>
<p>„ 900 do ... 1,000</p>	<p>Five rupees.</p>

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>14. Bond—<i>concl'd.</i></p> <p>and for every Rs. 500 or part thereof in excess of Rs. 1,000.</p> <p><i>See</i> ADMINISTRATION BOND (No. 2, BOTTOMRY BOND (No. 15), CUSTOMS BOND (No. 25) INDEMNITY BOND (No. 32), RESPONDENTIA BOND (No. 54), SECURITY BOND (No. 55).</p> <p><i>Exemption.</i></p> <p>Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.</p>	<p>Two rupees eight annas.</p>
<p>15. Bottomry Bond.—that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him so preserve the ship or prosecute her voyage.</p>	<p>The same duty as a Bond (No. 14) for the same amount.</p>
<p>16. Cancellation.—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.</p> <p><i>See also</i> RELEASE (No. 53), REVOCATION OF SETTLEMENT (No. 56—B), SURRENDER OF LEASE (No. 59), REVOCATION OF TRUST (No. 62—B).</p>	<p>Five rupees.</p>
<p>17. Certificate of sale.—(in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Deputy Commissioner or other Revenue Officer—</p> <p>(a) where the purchase money does not exceed Rs. 10;</p>	<p>Two annas.</p>

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
17. Certificate of sale—<i>concl'd.</i> (b) where the purchase money exceeds Rs. 10 but does not exceed Rs. 25; (c) in any other case	Four annas. The same duty as a Conveyance (No. 22) for a consideration equal to the amount of the purchase-money only.
18. Certificate or other Document , evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body. <i>See also</i> LETTER OF ALLOTMENT OF SHARES (No. 34).	One anna
19. Charter Party , that is to say, any instrument (except an agreement for the hire of a tugsteamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not. * * * *	One rupee.
21. Composition-Deed , that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of license, for the benefit of his creditors.	Ten rupees.
22. Conveyance [as defined by section 5 (10)] not being a TRANSFER charged or exempted under No. 60,— Where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50.	Eight annas.

* Omitted by Sec. 2 (10) of Regulation I of 1928.

SCHEDULE I—*contd.*

Description of Instrument					Proper Stamp-duty
22. Conveyance—<i>concl'd.</i>					
Where it exceeds Rs. 50 but does not exceed.					
				Rs.	
			..	100	One rupee.
Do	100	do	...	200	Two rupees.
Do	200	do	...	300	Three rupees.
Do	300	do	..	400	Four rupees.
Do	400	do	...	500	Five rupees.
Do	500	do	..	600	Six rupees.
Do	600	do	..	700	Seven rupees.
Do	700	do	...	800	Eight rupees.
Do	800	do	..	900	Nine rupees.
Do	900	do	..	1,000	Ten rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.					Five rupees.
<i>Exemption.</i>					
Assignment of copyright by entry made under the Indian Copyright Act, 1847, Section 5.					
Co-partnership-Deed—See PARTNERSHIP (No. 44.)					
23. Copy or Extract certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—					
(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee;					Eight annas.
(ii) in any other case					One rupee.
<i>Exemption.</i>					
Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.					
24. Counterpart or Duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid,—					
(a) if the duty with which the original instrument is chargeable does not exceed one rupee;					The same duty as is payable on the original.
(b) in any other case					One rupee.

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemption.</i></p> <p>Counterpart of any lease granted to a cultivator when such lease is exempted from duty.</p>	
<p>25. Customs-Bond—</p> <p>(a) where the amount does not exceed Rs. 1,000.</p>	<p>The same duty as a Bond (No. 14) for such amount.</p>
<p>(b) in any other case</p> <p>26. Debenture (whether a mortgage debenture or not), being a marketable security transferable by delivery, or by endorsement or by separate instrument of transfer.</p>	<p>Five rupees.</p> <p>The same duty as a Bond (No. 14) for the same amount.</p>
<p><i>Explanation.</i>—The term Debenture includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.</p>	
<p style="text-align: center;"><i>Exemption.</i></p> <p>A debenture issued by an incorporated company of other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over in whole or in part, their property to trustees for the benefit of the debenture-holders : provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.</p> <p>See also BOND (No. 14); and SECTIONS 8 and 55.</p>	
<p>Declaration of any trust.—See TRUST (No. 62.)</p> <p>27. Delivery-Order in respect of Goods, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any ware-house in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.</p>	<p>One anna.</p>

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>Deposit of Title-Deeds.—See (a) AGREEMENT relating to deposit of Title-deeds, Pawn or Pledge No. 6.) (a)</p> <p>Dissolution of Partnership.—See PARTNERSHIP (No. 44.)</p> <p>28. Divorce.—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.</p> <p>Dower.—Instrument of.—See SETTLEMENT (No. 56.)</p> <p>Duplicate.—See COUNTERPART (No. 24)</p> <p style="text-align: center;">* * * *</p>	<p>One rupee.</p>
<p>29. Exchange of Property.—Instrument of.</p>	<p>The same duty as a Conveyance No. 22 for a consideration equal to the value of the property of greatest value as set forth in such instrument.</p>
<p>Extract—See COPY (No. 23.)</p>	
<p>30. Further Charge.—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—</p> <p>(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 38 (that is, with possession).</p> <p>(b) when such mortgage is one of the description referred to in clause (b) of article No. 38 (that is without possession).—</p> <p>(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;</p>	<p>The same duty as a conveyance (No. 22) for a consideration equal to the amount of the further charge secured by such instrument.</p> <p>The same duty as a conveyance (No. 22) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.</p>

[a] These words were substituted for the words "Agreement by way of Equitable Mortgage (No. 6)" by Regn. II of 1908.

*The words "Equitable Mortgage. See Agreement by way of Equitable Mortgage (No. 6)" following articles (No. 28) have been omitted by Regn. II of 1908.

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp duty
30. Further Charge. — <i>conold.</i> (ii) if possession is not so given	The same duty as a Bond (No. 14) for the amount of the further charge secured by such instrument.
31. Gift. —Instrument of, not being a SETTLEMENT (No. 56) or WILL OR TRANSFER (No. 60).	The same duty as a conveyance (No. 22) for a consideration equal to the value of the property as set forth in such instrument.
Hiring Agreement or agreement for service.— See AGREEMENT (No. 5).	
32. Indemnity-Bond	The same duty as a Security Bond (No. 55) for the same amount.
Inspectorship-Deed. —See COMPOSITION DEED (No. 21.)	
Insurance. —See POLICY OF INSURANCE (No. 45.)	
33. Lease , including an under-lease or sub-lease and any agreement to let or sub-let.— (a) where by such lease the rent is fixed and no premium is paid or delivered.— (i) where the lease purports to be for a term of less than one year ; (ii) where the lease purports to be for a term of not less than one year but not more than three years ; (iii) where the lease purports to be for a term in excess of three years ; (iv) where the lease does not purport to be for any definite term ;	The same duty as a Bond (No. 14) for the whole amount payable or deliverable under such lease. The same duty as a Bond (No. 14) for the amount or value of the average annual rent reserved. The same duty as a conveyance (No. 22) for a consideration equal to the amount or value of the average annual rent reserved. The same duty as a conveyance (No. 22)

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>33. Lease—<i>contd.</i></p> <p>(a) where the lease purports to be in perpetuity ;</p> <p>(b) Where the lease is granted for a <i>fine or premium</i> or for money advanced and where no rent is reserved ;</p> <p>(c) where the lease is granted for a <i>fine or premium</i> or for money advanced in addition to rent reserved.</p>	<p>for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.</p> <p>The same duty as a Conveyance (No. 22) for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first-fifty years of the lease.</p> <p>The same duty as a Conveyance (No. 22) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.</p> <p>The same duty as a Conveyance (No. 22) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered.</p> <p>Provided that in any case when an arrangement to lease is stamped with the <i>advalorem</i> stamp required for a lease,</p>

SCHEDULE I-- *contd.*

Description of Instrument	Proper Stamp-duty
<p>33. Lease.—<i>conold.</i></p> <p style="text-align: center;"><i>Exemption.</i></p> <p>Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.</p>	<p>and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed eight annas</p>
<p>34. Letter of Allotment of Shares in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.</p> <p><i>See also</i> CERTIFICATE OR OTHER DOCUMENT (No. 18.)</p>	<p>One anna.</p>
<p>35. Letter of Credit, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn.</p> <p>Letter of Guarantee.—SEE AGREEMENT (No. 5.)</p>	<p>One anna.</p>
<p>36. Letter of License, that is to say any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business of his own discretion.</p>	<p>Ten rupees.</p>

SCHEDULE I *contd.*

Description of Instrument	Proper Stamp-duty
37. Memorandum of Association of a Company.	
(a) if accompanied by articles of association under section 37 of the Mysore Companies Regulation, 1895.	Fifteen rupees.
(b) if not so accompanied ...	Forty rupees.
<i>Exemption.</i>	
Memorandum of any association not formed for profit and registered under section 26 of the Mysore Companies Regulation, 1895.	
38. Mortgage-Deed , not being [a] an AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS PAWN OR PLEDGE (No. 6), [a] BOTTOMRY BOND (No. 15), MORTGAGE OF A CROP (No. 39), RESPONDENTIA BOND (No. 54), or SECURITY BOND (No. 55)—	
(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ;	The same duty as a Conveyance (No. 22) for a consideration equal to the amount secured by such deed.
(b) when possession is not given or agreed to be given as aforesaid ;	The same duty as a Bond (No. 14) for the amount secured by such deed.
<i>Explanation.</i> —A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped—	

[a] These words were substituted for the words "An Agreement to Mortgage (No. 6)" by Regulation II of 1908.
The words "at the time of execution" in clause (b) of Art: 38 have been omitted by Regulation II of 1908.

SCHEDULE J.—*contd.*

Description of Instrument	Proper Stamp-duty
38.—Mortgage Deed—<i>contd.</i>	
for every sum secured not exceeding Rs. 1,000.	Eight annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Eight annas.
<i>Exemptions.</i>	
(1) Instrument, executed by persons taking advances under the Land Improvement Loans Regulation, 1890, or section 194 of the Mysore Land Revenue Code, 1888, or by their sureties as security for the repayment of such advances.	
(2) Letter of hypothecation accompanying a Bill of Exchange.	
39. Mortgage of a Crop , including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—	
(a) when the loan is repayable not more than three months from the date of the instrument—for every sum secured not exceeding Rs. 200; and	One anna.
for every Rs. 200 or part thereof secured in excess of Rs. 200;	One anna.
(b) when the loan is repayable more than three months, but not more than	
[a] “eighteen months” [a] from the date of the instrument—for every sum secured not exceeding Rs. 100; and for every Rs. 100 or part thereof secured in excess of Rs. 100.	[b] [b] Two annas. [b] [b] Two annas.
40. Notarial Act , that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a PROTEST (No. 48) made by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	
<i>See also</i> PROTEST OF BILL OR NOTE (No. 48).	One rupee.

The exemption “(8) Instrument of pledge or pawn of goods, if unattested,” in Art. No. 88, has been omitted by Regn. II of 1908.

[a] These words were substituted for the word; “one year” by Regn. II of 1908.

[b] These words were substituted for the words “Four annas;” by Regn. II of 1908.

SCHEDULE I.—*contd.*

Description of Instrument	Proper Stamp-duty
41 Note or Memorandum sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal of any goods, stock or marketable security exceeding in value 20 rupees.	One anna.
42. Note of Protest by the Master of a Ship. <i>See also</i> PROTEST BY THE MASTER OF A SHIP (No. 49). Order for the Payment of Money <i>See</i> BILL OF EXCHANGE (No. 12).	Eight annas.
43. Partition. —Instrument or [as defined by section 2 [(15)]]	The same duty as a Bond (No. 14) for the amount of the value of the separated share or shares of the property.

N. B.—The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated.

Provided always that—

- (a) When an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than eight annas ;
- (b) When land is held on revenue settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue ;
- (c) Where a final order for effecting a partition passed by any Revenue-authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed eight annas.

SCHEDULE I.—*contd.*

Description of Instrument	Proper Stamp-duty
44. Partnership—	
A—INSTRUMENT OF—	
(a) where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.
(b) in any other case	Ten rupees.
B—DISSOLUTION OF	Five rupees.
[a] Pawn or Pledge. See Agreement relating to Deposit of Title-Deeds Pawn or Pledge (No. 6) [a].	

[a] This was inserted by Regn. II of 1908.

Description of Instrument	Proper Stamp-duty	
	If drawn singly	If drawn in duplicate for each part
45. Policy of Insurance—		
(a) A. SEA INSURANCE. (See Section 7.)		
(1) for or upon any voyage—		
(i) where the premium or consideration does not exceed the rate of two annas or one eighth per centum of the amount insured by the policy ;	One anna	Half anna.
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractioned part of one thousand rupees insured by the policy ;	Two annas	One anna.
(2) for time—		
(iii) in respect of every full sum of one thousand rupees and also		

[a] This was substituted by Regulation II of 1908, for Divisions A & B of Act No. 45, Regulation II of 1900.

SCHEDULE I.—*contd.*

Description of Instrument		Proper Stamp-duty
	If drawn singly	If drawn in duplicate for each part
45. Policy of Insurance--<i>contd.</i>		
any fractional part of one thousand rupees insured by the policy—		
where the insurance shall be made for any time not exceeding six months;	Two annas.	One anna.
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	Four annas.	Two annas.
B. FIRE INSURANCE—		
(1) in respect of an original policy—		
(i) where the sum insured does not exceed Rs. 5,000 ; and	.....	Eight annas.
(ii) in any other case	.....	One rupee.
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	.....	One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 51.
Description of Instrument		Proper Stamp-duty
C — ACCIDENT AND SICKNESS INSURANCE—		
(a) against railway accident, valid for a single journey only.		One anna
<i>Exemption.</i>		
When issued to a passenger travelling by the intermediate or the third class in any railway.		

SCHEDULE I.—*contd.*

Description of Instrument	Proper Stamp-duty
45. Policy of Insurance—<i>contd.</i>	
(b) in any other case—for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also where such amount exceeds Rs. 1,000 for every Rs. 1,000 or part thereof.	Two annas.
<p>D.—LIFE INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, except such a RE-INSURANCE as is described in Division E of this article—</p> <p>for every sum insured not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof insured in excess of Rs. 1,000—</p> <p>(i) if drawn singly.</p> <p>(ii) if drawn in duplicate, for each part.</p>	<p>Six annas.</p> <p>Three annas.</p>
<p><i>Exemptions.</i></p> <p>Policies of life insurance granted by the Director-General of the Post Office of India in accordance with rules for Postal Life Insurance issued under the authority of the Government of India</p>	
<p>E.—Re-insurance by an Insurance Company, which has granted a policy of sea-insurance on a policy of fire-insurance, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.</p>	<p>One quarter of the duty payable in respect of the original insurance but not less than one anna or more than one rupee.</p>
<p><i>General Exemption.</i></p> <p>Letter of cover or engagement to issue a policy insurance :</p> <p>Provided, that, unless such letter or engagement bears the stamp prescribed by this Regulation for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.</p>	

SCHEDULE I.—*contd.*

Description of Instrument	Proper Stamp-duty
<p>46. Power of attorney —[as defined by section 2 (21), not being a proxy (No. 50)].—</p> <p>(a) when executed for the sole purpose of procuring the registration for one or more documents in relation to a single transaction or for admitting execution of one or more such documents;</p> <p>(b) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (a);</p> <p>(c) when authorizing not more than five persons to act jointly in more than one transaction or generally;</p> <p>(d) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;</p> <p>(e) when given for consideration and authorizing the attorney to sell any immoveable property;</p> <p>(f) in any other case;</p> <p><i>Explanation.</i>—For the purpose of this article more persons than one when belonging to the same firm shall be deemed to be one person.</p>	<p>Eight annas.</p> <p>One rupee.</p> <p>Five rupees.</p> <p>Ten rupees.</p> <p>The same duty as Conveyance (No. 22) for the amount of the consideration.</p> <p>One rupee for each person authorized.</p> <p><i>N. B.</i>—The term "Registration" includes every operation incidental to registration under the Indian Registration Act, 1877.</p>
<p>47. Promissory Note.—[as defined by section 2 (22)].</p> <p>*(a) when payable on demand.</p> <p>(b) when payable otherwise than on demand.</p>	<p>One anna.</p> <p>The same duty as a Bill of exchange (No. 12) for the same amount payable otherwise than on demand.*</p>

.. Amended by Regulation IV of 1928.

SCHEDULE I.—*contd.*

Description of Instrument	Proper Stamp-duty
<p>8. Protest of Bill or Note.—that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of Exchange or promissory note.</p> <p>Protest by the Master of a Ship.—that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public, or other person lawfully acting as such.</p>	<p>One Rupee.</p> <p>One Rupee.</p>
<p><i>See also</i> Note of protest by the Master of a Ship (No. 42).</p>	
<p>50. Proxy.—empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners, or at any one meeting of (a) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable; (b) a local authority, or (c) proprietors, members or contributors to the funds of any institution.</p>	<p>One anna.</p>
<p>51. Receipt.—[as defined by section 2 (23)] for any money or other property the amount or value of which exceeds twenty rupees [a].</p> <p><i>See also</i> Policy of Insurance No. 45-B. (2) [a].</p>	<p>One anna.</p>
<p style="text-align: center;"><i>Exemptions.</i></p> <p>Receipt—</p> <p>(a) endorsed on or contained in any instrument duly stamped, or exempted under the proviso to section 3 (instruments executed on behalf of the Government) acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest or annuity or other periodical payment thereby secured.</p> <p>(b) for any payment of money without consideration.</p>	

- [a] These words were added by Regulation II of 1908.

SCHEDULE I.—*contd.*

Description of Instrument	Proper Stamp-duty
<p>51. Receipt.—<i>contd.</i></p> <p>(c) for any payment of rent by a cultivator or account of land assessed to Government revenue, or of inam lands ;</p> <p>(d) for pay or allowances by non-commissioned officers or soldiers of His Highness the Maharaja's Military Forces, when serving in such capacity, or by mounted police constables ;</p> <p>(e) given by holders of family certificates in cases where the person from whose pay of allowances the sum comprised in the receipt has been assigned is a non-commissioned officer or soldier of the said Forces and serving in such capacity ;</p> <p>(f) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned officers or soldiers, and not serving the Government in any other capacity ;</p> <p>(g) given by a patel for land-revenue of taxes collected by him ;</p> <p>(h) given for money or securities for money deposited in the hands of any banker, to be accounted for ;</p> <p>Provided that the same is not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for ;</p> <p>Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or open a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.</p>	
<p>52. Re-conveyance of Mortgaged Property.</p> <p>(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;</p> <p>(b) in any other case </p>	<p>The same duty as a Conveyance (No. 22) for the amount of such consideration as set forth in Re-conveyance.</p> <p>Ten rupees.</p>

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>53. Release.—That is to say, any instrument [a] (not being such a release as is provided for by section 23 A) [a] whereby a person renounces a claim upon another person or against any specified property— (a) if the amount or value of the claim does not exceed Rs. 1,000 ; (b) in any other case </p>	<p>The same duty as a Bond (No. 14) for such amount or value as set forth in the Release. Five rupees.</p>
<p>54. Respondentina Bond.—That is to say, any instrument securing a loan on the cargo-laden or to be laden or board a ship and making repayment contingent on the arrival of the cargo at the port of destination. Revocation of any trust or Settlement.—<i>See SETTLEMENT (No. 56); TRUST (No. 62).</i></p>	<p>The same duty as a Bond (No. 14) for the amount of the loan secured.</p>
<p>55. Security Bond or Mortgage-Deed.—Executed by way of security for the due execution of an office, or to account for money or other property received by virtue there of or executed by a surety to secure the due performance of a contract.— (a) when the amount secured does not exceed Rs. 1,000 ; (b) in any other case </p>	<p>The same duty as a Bond (No 14) for the amount secured. Five rupees.</p>
<p style="text-align: center;"><i>Exemptions.</i></p> <p>Bond or other instrument, when executed— (a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem ; (b) executed by persons taking advances under the Land Improvement Loans Regulation, 1890, or Section 194 of the Mysore Land Revenue Code, 1888, or by their sureties, as security for the repayment of such advances ;</p>	

[a] These words were inserted by Regulation II of 1906

Description of Instrument	Proper Stamp-duty
<p>56.—Security Bond or Mortgage-Deed.—concl'd. (c) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.</p> <p>56. Settlement— A.—INSTRUMENT OF (including a deed of dower)</p> <p style="text-align: center;"><i>Exemption.</i> Deed of dower executed on the occasion of a marriage between Mahomedans.</p> <p>B.—REVOCATION OF— <i>See also</i> TRUST (No. 62).</p> <p>57. Share warrants.—To bearer issued under the Mysore Companies Regulation, 1895.</p>	<p>The same duty as Bond (No. 14) for a sum equal to the amount or value of the property settled as set forth in such settlement.</p> <p>Provided that where an agreement to settle is stamped the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed eight annas.</p> <p>The same duty as a Bond (Vo.14) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding ten rupees.</p> <p>Three-quarters of the duty payable on a Conveyance (No.22) for a consideration equal to the nominal amount of the shares specified in the warrant.</p>

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>57. Share warrants—<i>concl'd.</i></p> <p><i>Exemption.</i></p> <p>Share warrant when issued by a company in pursuance of the Mysore Companies Regulation, 1895, section 30, to have effect only upon payment, as composition for that duty, to the Deputy Commissioner of Stamp revenue of—</p> <p>(a) three-quarters per centum of the whole subscribed capital of the company, or</p> <p>(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital...three-quarters per centum of the additional capital so issued.</p> <p>Scrip.—<i>See</i> CERTIFICATE (No. 18).</p>	
<p>58 Shipping Order.—For or relating to the conveyance of goods on board of any vessel.</p>	<p>One anna.</p>
<p>59. Surrender of Lease —</p> <p>(a) when the duty with which the lease is chargeable does not exceed five rupees.</p> <p>(b) in any other case </p> <p><i>Exemption.</i></p> <p>Surrender of lease, when such lease is exempted from duty.</p>	<p>The duty with which such lease is chargeable:</p> <p>Five rupees.</p>
<p>60. Transfer.—(Whether with or without consideration)—</p> <p>(a) of shares in an incorporated company or other body corporate;</p>	<p>One-quarter of the duty payable on a Conveyance (No. 22) for a consideration equal to the value of the share.</p>

SCHEDULE I—*contd.*

Description of Instrument	Proper Stamp-duty
<p>60. Transfer—<i>concl'd.</i></p> <p>(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by Section 8 ;</p> <p>(c) of any interest secured by a bond, mortgage-deed or policy of insurance,—</p> <p>(i) if the duty on such bond, mortgage-deed or policy does not exceed five rupees ;</p> <p>(ii) in any other case </p> <p>(d) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.</p>	<p>One-quarter of the duty payable on a Conveyance (No.22) for a consideration equal to the face amount of the debenture.</p> <p>The duty with which such, Bond, mortgage-deed or policy of insurance is chargeable.</p> <p>Five rupees.</p> <p>Five rupees or such smaller amount as may be chargeable under clause (a) to (c) of this article.</p>
<p><i>Exemptions.</i></p> <p>Transfers by endorsement—</p> <p>(a) of a bill of exchange cheque or promissory note ;</p> <p>(b) of a bill of lading, delivery order warrant for goods, or other mercantile document of title to goods ;</p> <p>(c) of a policy of insurance ;</p> <p>(d) of securities of the Government of India.</p> <p><i>See also Section 8.</i></p>	
<p>61. Transfer of lease.—By way of assignment and not by way of under-lease.</p> <p><i>Exemption.</i></p> <p>Transfer of any lease exempt from duty.</p>	<p>The same duty as a Conveyance (Vo. 22) or a consideration equal to the amount of the consideration for the transfer.</p>

SCHEDULE I—*concl'd.*

Description of Instrument	Proper Stamp-duty
<p>62. Trust—</p> <p>A.—DECLARATION—of or concerning, any property when made by any writing not being a WILL.</p> <p>B. — REVOCATION OF --of or concerning any property when made by any instrument other than a WILL.</p> <p><i>See also Settlement (No. 56).</i></p> <p>Valuatoin.—<i>See APPRAISEMENT (No. 8).</i></p>	<p>The same duty as a Bond (No. 14), for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding fifteen rupees.</p> <p>The same duty as a Bond (No. 14), for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding ten rupees.</p>
<p>63. Warrants of goods.—That is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof to the property in any goods lying in or upon any dock, warehouse or wharf such instrument being signed or certified by or on behalf of the person, in whose custody such goods may be.</p>	<p>Four annas.</p>

SCHEDULE I--A.

STAMP DUTY ON CERTAIN INSTRUMENTS UNDER THE
MYSORE STAMP (AMENDMENT) REGULATION 1922.*(See Section 3, first proviso).*

Description of Instrument	Proper Stamp-duty
1. Administration Bond. —Including a bond given under Section 256 of the Indian Succession Act, 1865, Section 6 of the Government Savings Banks Act, 1873, Section 76 of the Probate and Administration Regulation, 1914, or Section 9 or Section 10 of the Succession Certificate Regulation, 1901;	
(a) where the amount does not exceed Rs. 1,000 :	The same duty as a Bond for such amount.
(b) in any other case	Seven rupees eight annas.
2. Adoption Deed. —That is to say any instrument (other than a WILL), recording an adoption or conferring or purporting to confer an authority to adopt.	Rupees twelve and annas eight only.
3. Affidavit. —Including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	One rupee eight annas
<i>Exemptions.</i>	
Affidavit or declaration in writing when made—	
(a) for the immediate purpose of being filed or used in any Court or before the officer of any Court ; or,	
(b) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
4. Agreement or memorandum of an agreement—	
(a) if relating to the sale of a bill of exchange ;	Two annas.

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>4. Agreement or memorandum of an agreement—<i>concl'd.</i></p> <p>(b) if relating to the sale of a Government security or share in an incorporated company or other body corporate ;</p> <p>(c) if not otherwise provided for ..</p> <p><i>Exemption.</i></p> <p>Agreement or memorandum of agreement for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 34 ;</p> <p>Agreement to lease.—<i>See</i> Lease (No. 28).</p>	<p>Subject to a maximum of fifteen rupees one anna for every Rs. 10,000 or part thereof of the value of the security or share.</p> <p>Ten annas.</p>
<p>5. Agreement relating to deposit of title-deeds, pawn or pledge,—that is to say, any instrument evidencing an agreement relating to—</p> <p>(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or,</p> <p>(2) the pawn or pledge of movable property.</p> <p>where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt---</p>	

Description of Instrument				Proper Stamp-duty								
				If drawn singly			If drawn in set of two for each part of the set			If drawn in set of three for each part of the set		
				Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—												
(i)	when the amount of the loan of debt does not exceed	Rs.	200	0	4	0	0	3	0	0	1	0
(ii)	when it exceeds Rs. 200 but does not exceed ...	400	0	8	0	0	4	0	0	3	0	0
	Do	400	do	600	0	12	0	0	6	0	4	0
	Do	600	do	800	1	0	0	0	8	0	5	0
	Do	800	do	1,000	1	4	0	0	10	0	6	0
	Do	1,000	do	1,200	1	8	0	0	12	0	8	0
	Do	1,200	do	1,600	2	0	0	1	0	0	12	0
	Do	1,600	do	2,500	3	0	0	1	8	0	1	0
	Do	2,500	do	5,000	6	0	0	3	0	0	2	0
	Do	5,000	do	7,500	9	0	0	4	8	0	3	0
	Do	7,500	do	10,000	12	0	0	6	0	0	4	0
	Do	10,000	do	15,000	18	0	0	9	0	0	6	0
	Do	15,000	do	20,000	24	0	0	12	0	0	8	0
	Do	20,000	do	25,000	30	0	0	15	0	0	10	0
	Do	25,000	do	30,000	36	0	0	18	0	0	12	0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000				12	0	0	6	0	0	4	0	0
(b) if such loan or debt is repayable not more than three months from the date of such instrument.				Half the duty payable on a loan or debt under clause (a) (i) or clause (a) (ii) for the amount secured.								

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<i>Exemption.</i>	
Instrument of pawn or pledge of goods if unattested.	
6. Appointment in execution of a power, whether of trustees or of property, movable or immovable, where made by any writing not being a will.	Twenty rupees.
7. Appraisement or valuation made otherwise than under an order of the Court in the course of a suit—	
(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bond for such amount.
(b) In any other case	Seven rupees eight annas.
<i>Exemptions.</i>	
(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(b) Appraisement of crops for the purpose of ascertaining the amount to be given to landlord as rent.	
8. Apprenticeship deed , including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment.	Seven rupees eight annas.
<i>Exemption.</i>	
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by, or at the charge of, any public charity.	
9. Articles of Association of a Company. —	Forty rupees.
<i>Exemption.</i>	
Articles of any association not formed for profit and registered under Section 26 of the Mysore Companies Regulation, 1917.	
See also Memorandum of Association of a Company.	

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>Assignment.—<i>See</i> Conveyance, transfer and transfer of lease, as the case may be. Attorney.—<i>See</i> Power of attorney. Authority to adopt.—<i>See</i> Adoption deed.</p>	
<p>10. Award.—that is to say, any decision in writing by an arbitrator or empire not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—</p> <p>(a) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000.</p> <p>(b) In any other case</p>	<p>The same duty as a Bond for such amount.</p> <p>Ten rupees.</p>
<p>11. Bill of Lading.—(including a through bill of lading).*</p> <p style="text-align: center;"><i>Exemption.</i></p> <p>Bill of lading when executed out of Mysore and relating to property to be delivered in Mysore.</p>	<p>Six annas.</p>
<p>12. Bond.—(as defined by Section 2 (5), not being a Debenture, and not being otherwise provided for by this Regulation or the Court-fees Regulation, 1900.</p> <p>Where the amount of value secured does not exceed Rs. 10 :</p> <p>Where it exceeds Rs. 10 and does not exceed Rs. 50 ;</p> <p>Where it exceeds Rs. 50 and does not exceed Rs. 75.</p> <p>Where it exceeds Rs. 75 and does not exceed Rs. 100 ;</p> <p>Where it exceeds Rs. 100 and does not exceed Rs. 200 ;</p> <p>Where it exceeds Rs. 200 and does not exceed Rs. 300 ;</p> <p>Where it exceeds Rs. 300 and does not exceed Rs. 400 ;</p> <p>When it exceeds Rs. 400 and does not exceed Rs. 500 ;</p> <p>Where it exceeds Rs. 500 and does not exceed Rs. 600 ;</p>	<p>Two annas.</p> <p>Four annas.</p> <p>Eight annas</p> <p>Twelve annas.</p> <p>One rupee eight annas.</p> <p>Two rupees four annas.</p> <p>Three rupees.</p> <p>Three rupees twelve annas.</p> <p>Four rupees eight annas.</p>

* N. B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
Where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Five rupees four annas.
Where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Six rupees.
Where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Six rupees twelve annas.
Where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Seven rupees eight annas.
And for every Rs. 500 or part thereof in excess of Rs. 1,000 ;	Three rupees.
<i>See</i> Administration-Bond, Bottomry Bond, Customs Bond, Indemnity-Bond, Respondentia Bond Security Bond.	
<i>Exemption.</i>	
Bond, when executed by—	
Any person for the purpose of guaranteeing that the local income derived from private subscription to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.	
13. Bottomry Bond. —That is to say, any instrument whereby the master of a seagoing ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	Same as Bond.
14. Cancellation. —Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees eight annas.
<i>See also (Release,) Revocation of settlement, Surrender of Lease, Revocation of Trust.</i>	
15. Certificate of Sale. —(In respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Deputy Commissioner or other Revenue Officer —	
(a) where the purchase money does not exceed Rs. 10 ;	Three annas.
(b) where the purchase money exceeds Rs. 10 but does not exceed Rs. 25	Six annas.
(c) in any other case ...	The same duty as a Conveyance for a consideration equal to the amount of the purchase-money only.

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>16. Charter Party.—That is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer whether it includes a penalty clause or not.</p>	Two rupees.
<p>17. Composition-deed.—That is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors.</p>	Fifteen rupees.
<p>18. Conveyance.—[As defined by Section 2 (9)], not being a Transfer charged or exempted under No. 48—</p>	
<p>where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50 ;</p>	Eight annas.
<p>where it exceeds Rs. 50 but does not exceed Rs. 100 ;</p>	One rupee four annas.
<p>where it exceeds Rs. 100 but does not exceed Rs. 200 ;</p>	Two rupees eight annas.
<p>where it exceeds Rs. 200 but does not exceed Rs. 300 ;</p>	Three rupees twelve annas.
<p>where it exceeds Rs. 300 but does not exceed Rs. 400 ;</p>	Five rupees.
<p>where it exceeds Rs. 400 but does not exceed Rs. 500 ;</p>	Six rupees four annas.
<p>where it exceeds Rs. 500 but does not exceed Rs. 600 ;</p>	Seven rupees eight annas.
<p>where it exceeds Rs. 600 but does not exceed Rs. 700 ;</p>	Eight rupees twelve annas.
<p>where it exceeds Rs. 700 but does not exceed Rs. 800 ;</p>	Ten rupees.
<p>where it exceeds Rs. 800 but does not exceed Rs. 900 ;</p>	Eleven rupees four annas.
<p>where it exceeds Rs. 900 but does not exceed Rs. 1,000.</p>	Twelve rupees eight annas.
<p>and for every Rs. 500 or part thereof in excess of Rs. 1,000 ;</p>	Six rupees four annas.
<i>Exemption.</i>	
Assignment of copyright under the Indian Copyright Act, 1847, Section 5.	
Co-Partnership-deed. See Partnerships.	

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
19. Copy or Extract. —Certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees—	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee ;	Twelve annas.
(ii) in any other case.	One rupee four annas
<p style="text-align: center;"><i>Exemption.</i></p> <p>Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose</p>	
20. Counterpart or Duplicate —Of any instrument, chargeable with duty and in respect of which the proper duty has been paid—	
(a) if the duty with which the original instrument is chargeable does not exceed one rupee four annas ;	The same duty as is payable on the original.
(b) in any other case.	One rupee four annas.
<p style="text-align: center;"><i>Exemption.</i></p> <p>Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.</p>	
21. Customs-bond —	
(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bond for such amount.
(b) in any other case.	Seven rupees eight annas.
22. Debenture. —(Whether a mortgage debenture or not), being a marketable security transferable—	
(a) by endorsement or by a separate instrument of transfer.	The same duty as a Bond for the same amount.
(b) by delivery.	The same duty as a conveyance for a consideration equal to the face amount of the debenture.
<p><i>Explanation.</i>—The term “Debenture” includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.</p>	
<p style="text-align: center;"><i>Exemption.</i></p> <p>A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in</p>	

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>respect of the full amount of debentures to be issued thereunder whereby the company or body borrowing makes over, in whole or in part their property to trustees for the benefit of the debenture-holders; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.</p>	
<p><i>See also Bond and Sections 8 and 55</i></p>	
<p>DECLARATION OF ANY TRUST—<i>See Trust</i></p>	
<p>DEPOSIT OF TITLE DEEDS—<i>See Agreement relating to Deposit of Title-deeds, Pawn or Pledge.</i></p>	
<p>DISSOLUTION OF PARTNERSHIP.—<i>See Partnership.</i></p>	
<p>23. Divorce—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.</p>	Two rupees.
<p>DOWER—Instrument of—<i>See Settlement.</i></p>	
<p>DUPLICATE—<i>See Counterpart.</i></p>	
<p>24. Exchange of Property—Instrument of.</p>	The same duty as a Conveyance for a consideration equal to the value of the property of greatest value as set forth in such instrument.
<p>EXTRACT—<i>See Copy.</i></p>	
<p>25. Further Charge—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—</p>	
<p>(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 31 (that is, with possession;</p>	The same duty as a Conveyance for a consideration equal to the amount of the further charge secured by such instrument.
<p>(b) when such mortgage is one of the description referred to in clause (b) of Article No. 31 (that is, without possession)—</p>	
<p>(i) if at the time of execution of the instrument of further charge, possession of the property is given or agreed to be given under such instrument;</p>	The same duty as a Conveyance for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made), less

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
(ii) if possession in not so given.	the duty already paid on such original mortgage and further charge. The same duty as a Bond for the amount of the further charge secured by such instrument.
26. Gift. —Instrument of, not being a Settlement or Will or Transfer.	The same duty as a Conveyance for a consideration equal to the value of the property asset forth in such instrument.
HIRING AGREEMENT OR agreement for service.— <i>See</i> Agreement.	
27. Indemnity bond.	The same duty as a Security Bond for the same amount.
INSPECTORSHIP DEED— <i>See</i> Composition deed.	
28. Lease. —Including an under-lease or sub lease and any agreement to let or sub let—	
(a) where by such lease, the rent is fixed and no premium is paid or delivered—	
(i) where the lease purports to be for a term of less than one year ;	The same duty as a Bond for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year, but not more than five years ;	The same duty as a Bond for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years but not exceeding ten years ;	The same duty as a Conveyance for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years ;	The same duty as a Conveyance for a consideration equal

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years</p> <p>(vi) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years ;</p> <p>(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity ;</p> <p>(viii) where the lease does not purport to be for any definite term ;</p> <p>(a) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved ;</p>	<p>to twice the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance for a consideration equal to three times the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance for a consideration equal to four times the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance for a consideration equal to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.</p> <p>The same duty as a Conveyance for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.</p> <p>The same duty as a Conveyance for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease.</p>

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>(b) where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved.</p>	<p>The same duty as a Conveyance for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered.</p> <p>Provided that, in any case when an agreement to lease is stamped with the <i>advalorem</i> stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed twelve annas.</p>
<p style="text-align: center;"><i>Exemption.</i></p> <p>Lease executed in the case of a cultivator and for the purpose of cultivation (including a lease of trees for the production of food or drink), without the payment of delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.</p> <p><i>Explanation.</i>—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessor shall be deemed to be part of the rent.</p> <p>LETTER OF GUARANTEE.—<i>See Agreement.</i></p>	

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>29. Letter of license.—That is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time suspend their claims and allow the debtor to carry on business at his own discretion.</p>	Fifteen rupees.
<p>30. Memorandum of Association of a Company—</p> <p>(a) if accompanied by articles of association under Section 17 of the Mysore Companies Regulation, 1917.</p> <p>(b) if not so accompanied.</p>	<p>Twenty rupees.</p> <p>Sixty rupees.</p>
<p><i>Exemption.</i></p> <p>Memorandum of any association not formed for profit and registered under Section 26 of the Mysore Companies Regulation, 1917.</p>	
<p>31. Mortgage-deed.—Not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge, Bottomry Bond, Mortgage of a Crop, Respondentia Bond, or Security Bond.</p> <p>(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ;</p> <p>(b) when possession is not given or agreed to be given as aforesaid ;</p>	<p>The same duty as a Conveyance for a consideration equal to the amount secured by such deed.</p> <p>The same duty as a Bond for the amount secured by such deed.</p>
<p><i>Explanation.</i>—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article ;</p> <p>(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—</p> <p>for every sum secured not exceeding Rs. 1,000 ;</p> <p>and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.</p>	<p>Twelve annas.</p> <p>Do</p>

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemptions.</i></p> <p>(1) Instruments executed by persons taking advances under the Land Improvement Loans Regulation, 1890, Section 194 of the Mysore Land Revenue Code, 1888, or by their sureties as security for the repayment of such advances.</p> <p>(2) Letter of hypothecation accompanying a bill of exchange.</p> <p>32. Mortgage of a crop—including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—</p> <p>(a) when the loan is repayable not more than three months from the date of the instrument—</p> <p style="padding-left: 2em;">for every sum secured not exceeding Rs. 200 ;</p> <p style="padding-left: 2em;">and for every Rs. 200 or part thereof secured in excess of Rs. 200 ;</p> <p>(b) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument—</p> <p style="padding-left: 2em;">for every sum secured not exceeding Rs. 100 ;</p> <p style="padding-left: 2em;">and for every Rs. 100 or part thereof secured in excess of Rs. 100.</p> <p>33. Notarial Act.—That is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a Protest made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.</p> <p style="padding-left: 2em;"><i>See also Protest of Bill or Note.</i></p> <p>34. Note or Memorandum—Sent, by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—</p> <p>(a) of any goods exceeding in value twenty rupees ;</p> <p>(b) of any stock or marketable security exceeding in value twenty rupees.</p>	<p>Two annas.</p> <p>Do</p> <p>Three annas.</p> <p>Three annas.</p> <p>One rupee eight annas</p> <p>Two annas.</p> <p>Subject to maximum of fifteen rupees two annas for every Rs. 10,000 or part thereof the value of the stock of security.</p>

SCHEDULE IA—*contd.*

Discription of Instrument	Proper Stamp-duty
35. Note of Protest by the Master of a Ship— <i>See also Protest by the Master of a ship</i>	One rupee.
36. Partition. --Instrument of [as defined by Section 2 (15).]	The same duty as a Bond for the amount of the value of the separated share or shares of the property.
<p>N. B.—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, than one of such equal shares) shall be deemed to be that from which the other shares are separated.</p> <p>Provided always that—</p> <ul style="list-style-type: none"> (v) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than twelve annas. (b) when land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five items the annual revenue. (c) where a final order for effecting a partition passed by any Revenue Authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required, for an instrument of partition and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed twelve annas. 	

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>37. Partnership.—</p> <p>A.—Instrument of—</p> <p>(a) where the capital of the partnership does not exceed Rs. 500 ;</p> <p>(b) in any other case.</p> <p>B.—Dissolution of—</p> <p>Pawn or Pledge—<i>See</i> Agreement relating to Deposit of Title-deeds Pawn or Pledge.</p> <p>38. Power-of-Attorney.—[As defined by Section 2 (21)] not being a Proxy—</p> <p>(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such document;</p> <p>(b) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (a) ;</p> <p>(c) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally ;</p> <p>(d) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally.</p> <p>(e) when given for consideration and authorizing the attorney to sell any immovable property ;</p> <p>(f) in any other case</p> <p><i>Explanation</i>—For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person.</p>	<p>Five rupees.</p> <p>Fifteen rupees.</p> <p>Seven rupees eight annas.</p> <p>Twelve annas.</p> <p>One rupee eight annas</p> <p>Seven rupees eight annas.</p> <p>Twelve rupees eight annas.</p> <p>The same duty as a Conveyance for the amount of the consideration.</p> <p>One rupee eight annas for each person authorized.</p> <p>N. B.—The term "Registration" includes every operation incidental to registration under the Mysore Registration Regulation, 1908.</p>
<p>39. Protests of bill or note, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such attesting the dishonour of a bill of exchange or promissory note.</p>	<p>One rupee eight annas</p>

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>40. Protest by the matter of a ship, this is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of average, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.</p>	Two rupees.
<p><i>See also Note of Protest by the Master of a ship.</i></p>	
<p>41. Reconveyance of mortgaged property.— (a) If the consideration for which the property was mortgaged does not exceed Rs. 1,000.</p>	The same duty as a Conveyance for the amount of such consideration as set forth in the reconveyance.
<p>(b) In any other cases</p>	Twelve rupees eight annas.
<p>42. Release, that is to say, any, instrument (not being such a release as is provided for by Section 23-A), whereby a person renounces a claim upon another person or against any specified property—</p>	
<p>(a) if the amount of value of the claim does not exceed Rs. 1,000</p>	The same duty as a Bond for such amount or value as set forth in the release.
<p>(b) in any other case</p>	Seven rupees eight annas.
<p>43. Respondentia Bond, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.</p>	The same duty as a Bond for the amount of the loan secured,
<p>REVOCATION OF ANY TRUST OR SETTLEMENT—</p>	
<p><i>See Settlement; Trust</i></p>	
<p>44 Security Bond or Mortgage deed,—executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—</p>	
<p>(a) when the amount secured does not exceed Rs. 1,000 ;</p>	The same duty as a Bond for the amount secured.

SCHEDULE IA—*contb.*

Description of Instrument	Proper Stamp-duty
<p>44. Security Bond or Mortgage deed—<i>concl'd.</i> (b) In any other case</p> <p style="text-align: center;"><i>Exemptions.</i></p> <p>Bond or other instrument, when executed—</p> <p>(a) By any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital, or any other object of public utility, shall not be less than a specified sum per mensem.</p> <p>(b) executed by persons taking advances under the Land Improvement Loans Regulation, 1890, or Section 194 of the Mysore Land Revenue Code, 1888, or by their sureties, as security for the repayment of such advances ;</p> <p>(c) executed by officer of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof:</p>	<p>Seven rupees eight annas.</p>
<p>45. Settlement.— A,—Instrument of—(including a deed of dower).</p> <p style="text-align: center;"><i>Exemption.</i></p> <p>Deed of dower executed on the occasion of a marriage between Mahomedans.</p>	<p>The same duty as a Bond for a sum equal to the amount or value of the property settled as set forth in such settlement.</p> <p>Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed twelve annas.</p>

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>Settlement—<i>concl'd.</i> B—Revocation of—</p> <p style="text-align: center;"><i>See also Trust.</i></p> <p>46. Share Warrants to bearer issued under the Mysore Companies Regulation, 1917.</p> <p style="text-align: center;"><i>Exemption.</i></p> <p>Share warrant when issued by a company in pursuance of the Mysore Companies Regulation, 1917, Section 43, to have effect only upon payment, as Composition for that duty, to the Deputy Commissioner of stamp revenue of—</p> <p>(a) one-and-a-quarter per centum of the whole subscribed capital of the company ; or</p> <p>(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—one-and-a-quarter per centum of the additional capital so issued.</p> <p>47. Surrender of Lease.—</p> <p>(a) when the duty with which the lease is chargeable does not exceed seven rupees eight annas ;</p> <p>(b) in any other case.</p> <p style="text-align: center;"><i>Exemption.</i></p> <p>Surrender of lease, when such lease is exempted from duty.</p> <p>48. Transfer—(whether with or without consideration)—</p>	<p>The same duty as a Bond for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding twelve rupees eight annas.</p> <p>The same duty payable on a conveyance for a consideration equal to the nominal amount of the shares specified in the warrant</p> <p>The duty with which such lease is chargeable. Seven rupees eight annas.</p>

SCHEDULE IA—*contd.*

Description of Instrument	Proper Stamp-duty
<p>48. Transfer—<i>concl'd.</i></p> <p>(a) of shares in an incorporated company or other body corporate;</p> <p>(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;</p> <p>(c) of any interest secured by a bond, mortgage-deed or policy of insurance,—</p> <p>(i) if the duty on such bond, mortgage deed or policy does not exceed five rupees;</p> <p>(ii) in any other case</p> <p>(d) of any trust-property from one trustee to another trustee or from a trustee to a beneficiary.</p>	<p>One-half of the duty payable on a Conveyance for a consideration equal to the value of the share.</p> <p>One-half of the duty payable on a Conveyance for a consideration equal to the face amount of the debenture.</p> <p>The duty with which such bond mortgage deed or policy of insurance is chargeable.</p> <p>Seven rupees eight annas.</p> <p>Seven rupees eight annas or such smaller amount as may be chargeable under clause of (a) to (c) of this article.</p>
<p><i>Exemptions.</i></p> <p>Transfers by endorsement—</p> <p>(a) of a bill of exchange, cheque or promissory note;</p> <p>(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document to title to goods;</p> <p>(c) of a policy of insurance;</p> <p>(d) of securities of the Government of India and of Mysore.</p> <p><i>See also Section 8.</i></p>	
<p>49. Transfer of lease by way of assignment, and not by way of under-lease.</p>	<p>The same duty as a conveyance for a consideration equal to the amount of the consideration for the transfer.</p>

SCHEDULE IA—*concl'd.*

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemption.</i></p> <p>Transfer of any lease exempt from duty.</p> <p>50. Trust.— Declaration of—of, or concerning, any property when made by any writing not being a Will.</p> <p>B.—Revocation of—of, or concerning any property when made by any instrument other than a Will. See also settlement.</p> <p>Valuation—<i>See</i> Appraisement.</p> <p>51. Warrant for Goods, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.</p>	<p>The same duty as a Bond for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding twenty rupees.</p> <p>The same duty as a Bond for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding Rs. 12-8-0.</p> <p>Six annas.</p>

SCHEDULE II.

ENACTMENTS REPEALED.

(See Section 79.)

No.	Year	Short title	Extent of repeal
I	1879	The Indian Stamp Act, 1879, as extended to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 99 I. J., dated the 22nd May 1879.	The whole.
XI.	1894	The Mysore Inventions and Designs Regulation, 1894.	So much of the first schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
III	1895	The Mysore Companies Regulation, 1895.	Section 35.

THE MYSORE COURT-FEES REGULATION, 1900.

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to foreclose .
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REGULATION No. III OF 1900.

(PASSED ON THE 21ST DAY OF APRIL 1900.)

The Mysore Court-Fees Regulation, 1900.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Court-fees Regulation, 1900. Short title.

It extends to the whole of Mysore. Extent of Regulation.

And it shall come into force on the first day of July 1900. Commencement of Regulation.

2. On and from the first day of July 1900 the enactments mentioned in the fourth schedule shall be repealed to the extent specified in the fourth column thereof. Repeal of enactments.

[a] 2A. "Chief Controlling Revenue Authority" means the Government or such officer as the Government may by notification in the official Gazette, appoint in this behalf a¹.

[b] In this Regulation unless there is anything repugnant in this subject or context, "Memorandum of appeal" shall include memorandum of cross objection [b]

CHAPTER II.

FEES IN COURTS AND IN PUBLIC OFFICES.

3. No document of any of the kinds specified as chargeable in the first or second schedule to this Regulation annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document. Fees on documents filed, etc., in Courts or in public offices.

[a] Added by section 1 of Regulation I of 1924.

[b] Introduced by section 2 of Regulation VIII of 1922.

Section 4.

Computation
of fees payable
in certain
suits :

4. The amount of fee payable under this Regulation in the suits next hereinafter mentioned (c) exceptions for relief under sec. 91 or 92 of the Code of Civil Procedure, 1911 (c), shall be computed as follows :—

for money ;

i. In suits for money including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically) —according to the amount claimed :

for main-
tenance and
annuities ;

ii. In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be (d) in suits for maintenance, the amount claimed to be payable for one year and in other suits (d) ten times the amount claimed to be payable for one year :

for other
moveable pro-
perty having a
market-value ;

iii. In suits for moveable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint :

iv. In suits—

for moveable
property of
no market-
value ;

(a) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,

to enforce a
right to share
in joint
family pro-
perty ;

(b) to enforce the right to share in any property on the ground that it is joint family property,

for a decla-
ratory decree
and conse-
quential
relief ;

(c) to obtain a declaratory decree or order, where consequential relief is prayed,

for an injun-
tion ;
for easements.

(d) to obtain an injunction,

(e) for a right to some benefit (not herein otherwise provided for) to arise out of land, and

for accounts ;

(f) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

Proviso.

[a] Provided that in suits coming under sub-clause (c), in cases where the relief sought is with reference to any

[c] Added by section 8 of Regulation VIII of 1922.
Do 4 do

[a] Added by section 5 of Regulation VIII of 1922 between paras IV & V.

Section 4.

immovable property, such valuation shall not be less than half the value of the immovable property, calculated in the manner provided for by paragraph (v) of this section.[a]

In all such suits the plaintiff shall state the amount, at which he values the relief sought :

[b] iv. (A) In a suit for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value, according to the value of the subject-matter of the suit, and such value shall be deemed to be—

for cancella-
tion of decree
or other docu-
ment.

if the whole decree or other document is sought to be cancelled, the amount or the value of the property for which the decree was passed or the other document executed,

if a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property : [b]

v. In suits for the possession of land, houses and gardens—according to the value of the subject-matter ; and such value shall be deemed to be—

for possession
of lands,
houses and
gardens.

A. where the subject-matter is land, and—

(a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government,

or forms part of such an estate and is recorded in the Deputy Commissioner's register as separately assessed with such revenue,

and such revenue is permanently settled—

* twenty * times the revenue so payable :

(b) [d] where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid ;

and such revenue is settled, but not permanently,—
* ten * times the revenue so payable ; [d]

[a] Added by section 5 of Regulation VIII of 1922 between paras IV & V.

[b] Substituted by section 7

[d] This was substituted by Regulation II of 1912, for clause (b) of clause (A), under sub-head V of section 4.

Section 4.

(c) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue,

and nett profits have arisen from the land during the year next before the date of presenting the plaint—

fifteen times such nett profits :

but where no such nett profits have arisen therefrom—the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood :

(d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as abovementioned—the market-value of the land :

Explanation.—The word “estate,” as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to Government, or which, in the absence of such engagement shall have been separately assessed with revenue :

B. where the subject-matter is a house or garden—the market-value of the house or garden :

to enforce a
right of pre-
emption ;

vi. In suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph v of this section) of the land, house or garden in respect of which the right is claimed ;

for interest of
assignee of
land-revenue ;

vii. In suits for the interest of an assignee of land-revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint :

to set aside an
attachment ;

viii. In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached :

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.

to redeem ;

ix. In suits against a mortgagee for the recovery of the property mortgaged,

to foreclose ;

and in suits by a mortgagee to foreclose the mortgage,

or, where the mortgage is made by conditional sale, to have the sale declared absolute—

Sections 5-6.

according to the principal money expressed to be secured by the instrument of mortgage :

x. In suits for specific performance—

for specific
performance

(a) of a contract of sale—according to the amount of the consideration :

(b) of a contract of mortgage—according to the amount agreed to be secured :

(c) of a contract of lease- according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term :

(d) of an award—according to the amount or value of the property in dispute :

xi. In the following suits between landlord and tenant :

(a) for the delivery by a tenant of the counterpart of a lease, between
landlord and
tenant.

(b) to enhance the rent of a tenant having a right of occupancy,

(c) for the delivery by a landlord of a lease,

[a] (cc) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy. [a]

(d) to contest a notice of ejectment,

(e) to recover the occupancy of (b) immoveable property (b) from which a tenant has been illegally ejected by the landlord, and

(f) for abatement of rent—

according to the amount of the rent of the (b) immoveable property (b) to which the suit refers, payable for the year next before the date of presenting the plaint.

5. The amount of fee payable under this Regulation on a memorandum of appeal against an order relating to compensation under any Regulation for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

Fee on memo-
randum of
appeal against
order relating
to compensa-
tion.

6. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in section 4, paragraphs v and vi, have or has been wrongly estimated, the Court may,

Power to
ascertain net
profits or
market-value

[a] This clause was inserted by Regulation I of 1908.

[b] These words were substituted for the word "Land" by Regulation I of 1908.

Sections 7-8.

for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court.

Procedure where nett profits or market-value wrongly estimated.

7. i. If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or nett profits been rightly estimated.

ii. In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Procedure in suits for mesne profits on account when amount decreed exceeds amount claimed.

8. In suits for mesne profits or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

[a] Where a decree directs an inquiry as to mesne profits which have accrued on the property during a period prior to the institution of the suit, if the profits ascertained on such inquiry exceed the profits claimed, no final decree shall be passed till the difference between the fee actually paid and the fee which should have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the claim for the excess shall be dismissed, unless the Court for sufficient cause, extends the time for payment.

Where a decree directs an inquiry as to mesne profits from the institution of the suit, and a final decree is passed in accordance with the result of such inquiry, the decree shall not be executed until such fee is paid as would have been payable on the amount claimed in execution if a separate suit had been instituted therefor. [a]

[a] Substituted for the original by section 8 of Regulation VIII of 1922.

Sections 9-12.

9. i. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

Decision of questions as to valuation.

ii. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section 7, paragraph ii, shall apply.

10. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section 562 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Deputy Commissioner the full amount of fee paid on the memorandum of appeal.

Refund of fee paid on memorandum of appeal.

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

11. Where an application for a review of judgment is presented on or after the nineteenth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches may, its discretion, grant him a certificate authorising him to receive back from the Deputy Commissioner so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund of fee on application for review of judgment.

12. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive

Refund where Court reverses or modifies its former decision on ground of mistake.

Sections 13-16.

back from the Deputy Commissioner so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the second schedule to this Regulation, No. 1, clause (b) or clause (d).

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

13. Repealed by Regulation III of 1911.

Multifarious
suits.

14. Where a suit embraces two or more distinct subjects; the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Regulation.

Nothing in the former part of this section shall be deemed to effect the power conferred by the Code of Civil Procedure, section 45, paragraph 2.

Written
examinations
of complain-
ants.

15. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police-officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Regulation, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of (a) twelve annas, unless the Court thinks fit to remit such payment.

Exemption of
certain
documents.

16. Nothing contained in this Regulation shall render the following documents chargeable with any fee:—

i. Power-of-attorney to institute or defend a suit when executed by an officer or soldier in His Highness the Maharaja's Military Forces not in civil employment.

ii. Written statements called for by the Court after the first hearing of a suit.

iii. Probate of a will and letters of administration, where the amount or value of the property in respect of which the probate or letters shall be granted does not exceed one thousand rupees.

iv. Application or petition to a Deputy Commissioner or other officer making a settlement of land-revenue,

[a] Substituted for the words "eight annas" by section 9 of Regulation VIII of 1922.

Section 16.

or to the Government, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests; therein, if presented previous to the final confirmation of such settlement.

v. Application relating to a supply for irrigation of water belonging to Government.

vi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.

vii. Application for service of notice of relinquishment of land or enhancement of rent.

viii. Written authority to an agent to distrain.

ix. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

x. Bail-bonds in criminal cases, recognizance to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xi. Petition, application or information respecting any offence, when presented, made or laid to or before a Police-officer, or to or before the Heads of the Village Police.

xii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

xiii. Complaint of public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xiv. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xv. Application for the payment of money due by Government to the applicant.

xvi. Petition of appeal against any municipal tax.

xvii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xviii. Petitions under the Indian Christian Marriage Act, 1872, Sections 45 and 48.

Sections 17-18.

CHAPTER III.

PROBATES, LETTERS OF ADMINISTRATION AND
CERTIFICATES OF ADMINISTRATION.

Relief where
too high a
court-fee has
been paid.

17. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue-authority.

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required, the said Authority may—

(a) cancel the stamp on the probate or letters if such stamp has not been already cancelled ;

(b) substitute another stamp for denoting the court-fee which should have been paid thereon ; and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief where
debts due
from a deceased
person
have been
paid out of
his estate.

18. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount of value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Regulation,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made

Sections 19-21.

available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

19. Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Regulation has been or is paid thereon, no fee shall be chargeable under the same Regulation when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Relief in case of several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Regulation shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

20. The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

Probates declared valid as to trust-property though not covered by court-fee.

21. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue-authority may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters :

Provision for case where too low a court-fee has been paid on probates, etc.

Sections 22-24.

Provided that, if the application be made within six months after the ascertainment of the true value of the estates and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Admini-
strator to give
proper securi-
ty before
letters stamp-
ed under
section 21.

22. In case of letters of administration on which too low a court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors,
etc., not pay-
ing full court-
fee on
probates, etc.,
within six
months after
discovery of
underpay-
ment.

23. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent on the amount of the sum wanting to make up the proper court-fee.

Notice of
applications
for probate or
letters of
administra-
tion to be
given to
Revenue-
authorities,
and procedura
thereon.

24. (1) Where an application for probate or letters of administration is made to any Court other than the *High Court,* the Court shall cause notice of the application to be given to the Deputy Commissioner.

(2) Where such an application as aforesaid is made to the *High Court,* the *High Court* shall cause notice of the application to be given to the Chief Controlling Revenue-authority.

(3) The Deputy Commissioner within the local limits of whose revenue-jurisdiction the property of the

** The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

Section 24.

deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken, copies of the record of any case in which application for probate or letters of administration has been made; and if on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Deputy Commissioner may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Deputy Commissioner, the Deputy Commissioner may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property :

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 277 of the Indian Succession Act, 1865.

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Deputy Commissioner shall be deemed to be a party to the inquiry.

(6) For the purpose of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment

Sections 25-29.

and disposal by the Chief Controlling Revenue-authority of any application under section 21.

(8) The Government may make rules for the guidance of Deputy Commissioners in the exercise of the powers conferred by sub-section (3).

Payment of court-fees in respect of probates and letters of administration.

25. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned in No. 10 of the first schedule has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Deputy Commissioner under section 24, sub-section (4).

Recovery of penalties, &c.

26. (1) Any excess fee found to be payable on an inquiry held under section 24, sub-section (6), and any penalty or forfeiture under section 23 may, on the certificate of the Chief Controlling Revenue-authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Deputy Commissioner in any part of Mysore.

(2) The Chief Controlling Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 21 or of any court-fee under section 21 in excess of the full court-fee which ought to have been paid.

Sections 3 and 36 not to apply to probates or letters of administration.

27. Nothing in section 3 or section 36 shall apply to probate or letters of administration.

28. Repeated by Regulation V of 1911.

CHAPTER IV.

PROCESS FEES.

Rules as to costs of processes.

29. The * High Court * shall, as soon as may be, make rules as to the following matters:—

i. the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;

**The words "High Court" were substituted for the words "Chief Court" by Regulation XII of 1930.

Sections 30-33.

ii. the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and

iii. the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The *High Court* may from time to time alter and add to the rules so made.

All such rules, alterations and additions shall, after being sanctioned by the Government, be published in the official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Regulation.

Sanction and publication of rules.

Tables of process-fees.

Number of peons in District and subordinate Courts.

Number of peons in Small Cause Courts.

Number of peons in Revenue Courts.

30. A table in the English and Kanarese languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

31. Subject to rules to be made by the *High Court* and approved by the Government,

every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto,

and for the purposes of this section, every Court of Small Causes shall be deemed to be subordinate to the Court of the District Judge.

32. Subject to rules to be framed by the Chief Controlling Revenue-authority and approved by the Government, every officer performing the functions of a Deputy Commissioner of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

CHAPTER V.

OF THE MODE OF LEVYING FEES.

33. All fees chargeable under this Regulation shall be collected by stamps.

Collection of fees by stamps.

— The words 'High Court' were substituted for the words "Chief Court" by Regulation XII of 1930.

Sections 34-38.

Stamps to be
impressed or
adhesive.

34. The stamps used to denote any fees chargeable under this Regulation shall be impressed or adhesive, or partly impressed and partly adhesive, as the Government may, by notification in the official Gazette, from time to time direct.

Rules for
supply, num-
ber, renewal
and keeping
accounts of
stamps.

35. The Government may, from time to time, make rules for regulating—

(a) the supply of stamps to be used under this Regulation,

(b) the number of stamps to be used for denoting any fee chargeable under this Regulation,

(c) the renewal of (a) or refund in value for (a) damaged or spoiled stamps, and

(d) the keeping accounts of all stamps used under this Regulation

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Stamping
documents
inadvertently
received.

36. No document which ought to bear a stamp under this Regulation shall be of any validity, unless and until it is properly stamped.

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of the *High Court,* any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended
document.

37. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation
of stamp.

38. No document requiring a stamp under this Regulation shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated

[a] These words were inserted by regulation IV of 1914.

*- * The words 'High Court' were substituted for the words "Chief Court" by Regulation XII of 1930.

Sections 39-41.

on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.

MISCELLANEOUS.

39. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which police-officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

Repayment of fees paid on applications to Criminal Courts.

ii. In the case mentioned in section 15, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

40. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 3 shall be deemed to prohibit such filing or exhibition.

Admission in criminal cases of documents for which proper fee has not been paid.

41. (1) The Government may from time to time make Rules for regulating the sale of stamps to be used under this Regulation, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

Sale of stamps.

(2) All such rules shall be published in the official Gazette and shall thereupon have the force of law.

Section 42.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to
reduce or
remit fees.

42. The Government may from time to time, by notification in the official Gazette, reduce or remit, in the whole or in any part of Mysore, all or any of the fees mentioned in the first and second schedules to this Regulation annexed, and may in like manner cancel or vary such order.

[a] SCHEDULE I.

Ad valorem FEES.

Number		Proper fee
1. *Plaint, or written statement, pleading, a set off or counter-claim or memorandum of appeal (not otherwise provided for in this Regulation), presented to any Civil or Revenue Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Eight annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Eight annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	One rupee.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Six rupees and four annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Twelve rupees and eight annas.
	When such amount or value exceeds ten thousand rupees for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Eighteen rupees and twelve annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Twenty-five rupees.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Twenty-five rupees.

*To ascertain the proper fee leviable on the institution of a suit, see the table annexed to this schedule.

[a] Substituted by Sec. 10 of Regn. VIII of 1922.

SCHEDULE I—*contd.**Ad valorem* FEES.

Number		Proper fee
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Thirty rupees. (Subject to a maximum of Rs. 3,000.)
2. Plaint in a suit for possession under the Specific Relief Act, 1877, [section 9.]	.....	An amount of one-half the scale of fee prescribed in article 1 above.
3. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	.....	The fee leviable on the plaint or memorandum of appeal.
4. Application for review of judgment, if presented before, the ninetieth day from the date of the decree.	.....	One-half of the fee leviable on the plaint or memorandum of appeal.
5. Copy or translation of a judgment or order not being or having the force of a decree.	When such judgment or order is passed by any Civil Court other than the *High Court,* or by the presiding officer of any Revenue Court or office, or by any other Judicial or Executive Authority— (a) If the amount or value of the subject-matter is fifty or less than fifty rupees. (b) If such amount or value exceeds fifty rupees.	Five annas. Ten annas.
6. Copy or translation of a judgment or order of a Criminal Court.	When such judgment or order is passed by the *High Court.*	One rupee and four annas. Eight annas.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the *High Court,* or by any Revenue Court— (a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Eight annas.

* The words "High Court" were substituted for the words "Chief Court" by Regulation XII of 1980.

SCHEDULE I—*contd.**Ad valorem* FEES.

Number		Proper fee
7. Copy of a decree or order having the force of a decree.	(b) If such amount or value exceeds fifty rupees. When such decree or order is made by the *High Court.*	One rupee. Four rupees.
8. Copy of any document liable to stamp-duty under the Mysore Stamp Regulation, 1900, when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp-duty chargeable on the original does not exceed eight annas. (b) In any other case	The amount of the duty chargeable on the original. Eight annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Regulation, or copy of any account, statement, report or the like taken out of any Civil or Criminal or Revenue Court or Office.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Eight annas.
10. (<i>Present article 9 repealed by Regulation V of 1911.</i>)	....
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees but does not exceed five thousand rupees.	Two per centum on such amount or value.
	When such amount or value exceeds five thousand rupees. Provided that when, after the grant of a certificate under the Succession Certificate Regn., 1901, or Act XXVII of 1860, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	Three per centum on such amount or value.
11. Probate of a will or letters of administration with or without will annexed.		

** The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1980.

SCHEDULE I—*contd.**Ad valorem* FEES.

Number		Proper fee
12. Certificate under the succession Certificate Regulation, 1901.	When the amount or value of any debt or security specified in the certificate under Section 8 of the Regulation, does not exceed five thousand rupees.	Two per centum on such amount or value, and three per centum on the amount or value of any debt or security to which the certificate is extended under Section 10 of the Regulation.
	When such amount or value exceeds five thousand rupees.	Three per centum on such amount or value and four and a half per centum on the amount or value of any debt or security to which the certificate is extended under Section 10 of the Regulation.
<p><i>Note.</i>—(1) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Regulation and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.</p>		

SCHEDULE I.

TABLE OF RATES OF *ad valorem* FEES LEVIABLE ON
THE INSTITUTION OF SUITS.

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs.
...	5	0 8	320	330	33
5	10	1 0	330	340	34
10	15	1 8	340	350	35
15	20	2 0	350	360	36
20	25	2 8	360	370	37
25	30	3 0	370	380	38
30	35	3 8	380	390	39
35	40	4 0	390	400	40
40	45	4 8	400	410	41
45	50	5 0	410	420	42
50	55	5 8	420	430	43
55	60	6 0	430	440	44
60	65	6 8	440	450	45
65	70	7 0	450	460	46
70	75	7 8	460	470	47
75	80	8 0	470	480	48
80	85	8 8	480	490	49
85	90	9 0	490	500	50
90	95	9 8	500	510	51
95	100	10 0	510	520	52
100	110	11 0	520	530	53
110	120	12 0	530	540	54
120	130	13 0	540	550	55
130	140	14 0	550	560	56
140	150	15 0	560	570	57
150	160	16 0	570	580	58
160	170	17 0	580	590	59
170	180	18 0	590	600	60
180	190	19 0	600	610	61
190	200	20 0	610	620	62
200	210	21 0	620	630	63
210	220	22 0	630	640	64
220	230	23 0	640	650	65
230	240	24 0	650	660	66
240	250	25 0	660	670	67
250	260	26 0	670	680	68
260	370	27 0	680	690	69
270	280	28 0	690	700	70
280	290	29 0	700	710	71
290	300	30 0	710	720	72
300	310	31 0	720	730	73
310	320	32 0	730	740	74

SCHEDULE I—*contd.*

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
740	750	75 0	2,800	2,900	218 12
750	760	76 0	2,900	3,000	225 0
760	770	77 0	3,000	3,100	231 4
770	780	78 0	3,100	3,200	237 8
780	790	79 0	3,200	3,300	243 12
790	800	80 0	3,300	3,400	250 0
800	810	81 0	3,400	3,500	256 4
810	820	82 0	3,500	3,600	262 8
820	830	83 0	3,600	3,700	268 12
830	840	84 0	3,700	3,800	275 0
840	850	85 0	3,800	3,900	281 4
850	860	86 0	3,900	4,000	287 8
860	870	87 0	4,000	4,100	293 12
870	880	88 0	4,100	4,200	300 0
880	890	89 0	4,200	4,300	306 4
890	900	90 0	4,300	4,400	312 8
900	910	91 0	4,400	4,500	318 12
910	920	92 0	4,500	4,600	325 0
920	930	93 0	4,600	4,700	331 4
930	940	94 0	4,700	4,800	337 8
940	950	95 0	4,800	4,900	343 12
950	960	96 0	4,900	5,000	350 0
960	970	97 0	5,000	5,250	362 8
970	980	98 0	5,250	5,500	375 0
980	990	99 0	5,500	5,750	387 8
990	1,000	100 0	5,750	6,000	400 0
1,000	1,100	106 4	6,000	6,250	412 8
1,100	1,200	112 8	6,250	6,500	425 0
1,200	1,300	118 12	6,500	6,750	437 8
1,300	1,400	125 0	6,750	7,000	450 0
1,400	1,500	131 4	7,000	7,250	462 8
1,500	1,600	137 8	7,250	7,500	475 0
1,600	1,700	143 12	7,500	7,750	487 8
1,700	1,800	150 0	7,750	8,000	500 0
1,800	1,900	156 4	8,000	8,250	512 8
1,900	2,000	162 8	8,250	8,500	525 0
2,000	2,100	168 12	8,500	8,750	537 8
2,100	2,200	175 0	8,750	9,000	550 0
2,200	2,300	181 4	9,000	9,250	562 8
2,300	2,400	187 8	9,250	9,500	575 0
2,400	2,500	193 12	9,500	9,750	587 8
2,500	2,600	200 0	9,750	10,000	600 0
2,600	2,700	206 4	10,000	10,500	618 12
2,700	2,800	212 8	10,500	11,000	637 8

SCHEDULE I—*concl'd.*

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs.
11,000	11,500	656 4	85,000	90,000	1,715
11,500	12,000	675 0	90,000	95,000	1,745
12,000	12,500	693 12	95,000	1,00,000	1,775
12,500	13,000	712 8	1,00,000	1,05,000	1,805
13,000	13,500	731 4	1,05,000	1,10,000	1,835
13,500	14,000	750 0	1,10,000	1,15,000	1,865
14,000	14,500	768 12	1,15,000	1,20,000	1,895
14,500	15,000	787 8	1,20,000	1,25,000	1,925
15,000	15,500	806 4	1,25,000	1,30,000	1,955
15,500	16,000	825 0	1,30,000	1,35,000	1,985
16,000	16,500	843 12	1,35,000	1,40,000	2,015
16,500	17,000	862 8	1,40,000	1,45,000	2,045
17,000	17,500	881 4	1,45,000	1,50,000	2,075
17,500	18,000	900 0	1,50,000	1,55,000	2,105
18,000	18,500	918 12	1,55,000	1,60,000	2,135
18,500	19,000	937 8	1,60,000	1,65,000	2,165
19,000	19,500	956 4	1,65,000	1,70,000	2,195
19,500	20,000	975 0	1,70,000	1,75,000	2,225
20,000	21,000	1,000 0	1,75,000	1,80,000	2,255
21,000	22,000	1,025 0	1,80,000	1,85,000	2,285
22,000	23,000	1,050 0	1,85,000	1,90,000	2,315
23,000	24,000	1,075 0	1,90,000	1,95,000	2,345
24,000	25,000	1,100 0	1,95,000	2,00,000	2,375
25,000	26,000	1,125 0	2,00,000	2,05,000	2,405
26,000	27,000	1,150 0	2,05,000	2,10,000	2,435
27,000	28,000	1,175 0	2,10,000	2,15,000	2,465
28,000	29,000	1,200 0	2,15,000	2,20,000	2,495
29,000	30,000	1,225 0	2,20,000	2,25,000	2,525
30,000	32,000	1,250 0	2,25,000	2,30,000	2,555
32,000	34,000	1,275 0	2,30,000	2,35,000	2,585
34,000	36,000	1,300 0	2,35,000	2,40,000	2,615
36,000	38,000	1,325 0	2,40,000	2,45,000	2,645
38,000	40,000	1,350 0	2,45,000	2,50,000	2,675
40,000	42,000	1,375 0	2,50,000	2,55,000	2,705
42,000	44,000	1,400 0	2,55,000	2,60,000	2,735
44,000	46,000	1,425 0	2,60,000	2,65,000	2,765
46,000	48,000	1,450 0	2,65,000	2,70,000	2,795
48,000	50,000	1,475 0	2,70,000	2,75,000	2,825
50,000	55,000	1,505 0	2,75,000	2,80,000	2,855
55,000	60,000	1,535 0	2,80,000	2,85,000	2,885
60,000	65,000	1,565 0	2,85,000	2,90,000	2,915
65,000	70,000	1,595 0	2,90,000	2,95,000	2,945
70,000	75,000	1,625 0	2,95,000	3,00,000	2,975
75,000	80,000	1,655 0	3,00,000	...	3,000
80,000	85,000	1,685 0			

(*) SCHEDULE II.—FIXED FEES.

Number		Proper fee
1. Application or petition	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ;	One anna.
	or when presented to any officer of Land-revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement ;	One anna.
	or when presented to any Municipal Commissioner under any law for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement :	One anna.
	or when presented to any Civil Court other than a Principal Civil Court of original jurisdiction, or to any Court of Small Causes, or to a Deputy Commissioner, or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees ;	One anna.
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or Office.	One anna.
	(b) When containing a complaint or charge of any offence	Twelve annas.

* Substituted by Sec. 10 of Regn. VIII of 1922.

SCHEDULE II.—FIXED FEES—*contd.*

Number		Proper fee
1-A. Application to any Civil Court that records may be called for from another Court.	other than an offence for which police officers may under the Criminal Procedure Code, arrest without warrant and presented to any Criminal Court;	
	or when presented to a Civil, Criminal or Revenue Court, or to a Deputy Commissioner, or any Revenue officer having jurisdiction equal or subordinate to a Deputy Commissioner, or to any Magistrate in his executive capacity, and not otherwise provided for by this Regulation;	Twelve annas.
	or to deposit in Court revenue or rent;	Eight annas.
	or for determination by a court of the amount of compensation to be paid by landlord to his tenant.	Eight annas.
	(c) When presented to the Chief Controlling Revenue or Executive authority.	One rupee and eight annas.
2. Application for leave to sue as a pauper.	(d) (i) When presented to the *High Court under Section 115 of the Code of Civil Procedure, 1911, for revision of an order—	
	(a) When the value of the suit or proceeding to which the order relates does not exceed Rs. 1,000.	Three rupees.
	(b) When the value of the suit or proceeding exceeds Rs. 1,000.	Five rupees.
	(ii) When presented to the *High Court.	Two rupees.
	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Twelve annas in addition to any fee levied on the application under clause (a), clause (b), or clause (d) of article 1 of this schedule.
3. Application for leave to appeal as a pauper.	....	Eight annas.
	(a) When presented to a District Court or a Sub-Court.	One rupee.
	(b) When presented to the *High Court.	Two rupees.

*The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 193

SCHEDULE II.—FIXED FEES—*contd.*

Number		Proper fee
4. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	....	Eight annas.
5. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1904, or the Code of Civil Procedure, 1911 and not otherwise provided for in this Regulation.	....	Eight annas.
6. Mukhtarnama or Vakalatnama.	When presented for the conduct of any one case— (a) to any Civil or Criminal Court other than the †High Court or to any Revenue Court, or to any Deputy Commissioner, or Magistrate, or other Executive Officer, except those mentioned in clause (b) of this number ; (b) to the †High Court, or Chief Controlling Revenue or Executive Authority.	Eight annas.
7. * Memorandum of appeal when the appeal is from an order inclusive of an order determining any question under Section 47 or Section 144 of the Code of Civil Procedure, 1911 and is presented.	(a) to any Civil Court other than the †High Court, or to any Revenue Court or Executive Officer other than the †High Court or Chief controlling Revenue or Executive Authority ; (b) to the †High Court or Chief Controlling Executive or Revenue Authority.	Two rupees.
8. Caveat.	....	Twelve annas.
9. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	....	Two rupees.
10. (<i>Repealed by Regn. III of 1911.</i>)	....	Ten rupees.
11. Complaint or memorandum of appeal in a suit— (i) to alter or set aside a summary decision or order of any Civil Court or Revenue Court ;	....	Five rupees.
		Twelve rupees and eight annas.

* Substituted for the original words "Memorandum of appeal" by Sec. 2 of Regn. I of 1924.

† The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

SCHEDULE II.—FIXED FEES—*concl'd.*

Number		Proper fee
(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ;	....	Twelve rupees and eight annas.
(iii) for relief under Section 91 or Section 92 of the Code of Civil Procedure, 1911.	....	Fifty rupees.
11A. Plaint or memorandum of appeal in a suit— (i) to obtain a declaratory decree where no consequential relief is prayed ; (ii) to set aside an award ; (iii) to obtain a declaration that an alleged adoption is invalid or never in fact took place or to obtain a declaration that an adoption is valid.	When the plaint is presented to or the memorandum of appeal is against the decree of— a Munsiff's Court ... a District Court or a Sub-Court	Fifteen rupees. Fifty rupees, if the value for purposes of jurisdiction is ten thousand rupees or less. Two hundred rupees if such value exceeds ten thousand rupees.
11-B. Plaint or memorandum of appeal in every suit where it is not possible to estimate at a money value the subject-matter in dispute and which is not otherwise provided for by this Regulation.	When the plaint is presented to or the memorandum of appeal is against the decree of— a Revenue Court ... a Munsiff's Court ... a District Court or a Sub-Court	Ten rupees. Fifteen rupees. Fifty rupees.
12. Applications under Section 17 or Section 20 of the second schedule of the Code of Civil Procedure, 1911.	When presented to a Munsiff's Court. When presented to a District Court or a Sub-Court.	Fifteen rupees. Fifty rupees.
13. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1911.		

SCHEDULE III.

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS,
IF ANY, AS MAY BE NECESSARY).

(See Section 25.)

IN THE COURT OF

*Re: Probate of the will of.....(or Administration of
the property and credits of.....) deceased*

I

{ solemnly affirm
make oath }

and say that I am the executor (or one of the executors or one of the next of kin of deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the above named deceased died, possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets exclusively only of such last mentioned items but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of.

ANNEXURE A.

VALUATION OF THE MOVABLE AND IMMOVABLE PROPERTY OF DECEASED.

	Rs.	a.	p.
Cash in the house and at the banks, household goods, wearing-apparel books, plate, jewels, etc. (State estimated value according to best of Executor's or Administrator's belief.)			
Property in Government securities transferable at the Public Debt Office. (State description and value at the price of the day; also the interest separately, calculating it to the time of making the application.)			
Immovable property, consisting of (State description, giving, in the case of houses the assessed value if any and the number of year's assessment the market-value is estimated at and, in the case of land, the area, the market-value and all rents that have accrued.)			
Leasehold Property. (If the deceased held any lease for years determinable, state the number of years' purchase the profit rents, are estimated to be worth and the value of such inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.)			
Property in public companies. (State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application.)			

SCHEDULE III—Form of Valuation—*concl'd.*ANNEXURE A—*concl'd.*

	Rs.	a.	p.
Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money. (<i>State the amount of the whole; also the interest separately calculating it to the time of making the application.</i>)			
Book debts (<i>Other than bond.</i>)			
Stock in trade (<i>State the estimated value, if any.</i>)			
Other property not comprised under the foregoing heads (<i>State the estimated value if any.</i>)			
Total ...			
Deduct amount shown in Annexure B not subject to duty ...			
Net Total ...			

ANNEXURE B.

SCHEDULE OF DEBTS, ETC.

	Rs.	a.	p.
Amount of debts due and owing from the deceased, payable by law out of the estate.			
Amount of funeral expenses			
Amount of mortgage incumbrances			
Property held in trust not beneficially or with general power to confer a beneficial interest.			
Other property not subject to duty			
Total ...			

SHEDULE IV.

ENACTMENTS REPEALED.

(See Section 2.)

Year	No.	Short title or subject	Extent of repeal
1870 ...	VII	The Court Fees Act, 1870, as applied to Mysore by notification of the Government of India, Foreign Department, Judicial No. 94, dated the 17th June 1870.	The whole.
1872 ...	XV	The Indian Christian Marriage Act, 1872, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, 176 —J., dated the 31st December 1875.	So much of Section 2, as relates to the Court Fees Act, 1870.
1901* ...	VII	The Mysore Succession Certificate Regulation.	Section 13.

*Vide Sec. 3 of Regn. I of 1924.

REGULATION No. IV OF 1900.

(PASSED ON THE 15TH DAY OF MAY 1900.)

A Regulation to provide for the protection of person and property from the risks incident to the supply and use of electricity for lighting and other purposes.

Whereas it is expedient to control the supply and use of electricity for lighting and other purposes; Preamble.

And whereas, in the existing circumstances of the supply and use of electricity in Mysore, the exercise of that control by means of licenses or other like methods may be deferred, and it will suffice for the present to provide for the protection of persons and property from the risks incident to such supply and use; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Electricity Regulation, 1900; Title, extent and commencement.
(2) It shall extend to the whole of Mysore; and
(3) It shall come into force at once.

2. In this Regulation, unless there is something repugnant in the subject or context,— Definitions.

(1) “electricity” includes galvanism, magnetism, magneto-electricity and electro-magnetism:

(2) expressions defined in the Indian Telegraph Act, 1885, as made applicable to Mysore by Regulation IV of 1899, have the meanings assigned to them in that Act as so made applicable:

(3) “purpose” includes any purpose except the transmission of a message: and

(4) “vessel” includes anything used for the conveyance by water of human beings or of property.

3. In either of the following cases, namely:—

(a) if a person intends to undertake the business of supplying electricity, or

(b) if a person intends to use electricity for any public purpose, or in any public place, or in any place

Notice of intention to supply or use electricity.

Sections 4—5.

where there is likelihood of the public being affected, or in a place in which one hundred or more persons are likely to be assembled, or in a place which is a factory within the meaning of the Mysore Factories Regulation, 1892, the person shall, one week at least before commencing the supply or use, give notice of his intention to the District Magistrate.

Power to
make rules.

4. (1) The Government of Mysore may make such rules as it thinks expedient—

(a) for the protection of person and property from injury by reason of contract with, or the proximity of, appliances or apparatus used in the generation or supply of electricity, and

(b) for preventing telegraph lines from being injuriously affected by any of those appliances or apparatus.

(2) The rules may, among other matters, authorise any officer, either by name or in virtue of his office, to enter, inspect and examine any place, carriage or vessel in which the officer has reason to believe any such appliances or apparatus to be.

(3) Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this section on the Government, and shall be of the same force as if enacted by this Regulation.

(4) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

Penalties.

5. If a person undertakes the business of supplying electricity, or uses electricity for any such purpose or in any such place as is referred to in section 3, without giving the notice required by that section, or infringes any rule under section 4, or obstructs an officer in the exercise of his authority under any such rule to enter, inspect and examine any place, carriage or vessel, he shall be punished with fine which may extend to five hundred rupees, and, if he continues so to supply or use electricity or infringe the rule or obstruct the officer, after notice in writing to desist from so doing has been given to him by the District Magistrate, he shall be further punished with fine which may extend to one hundred rupees for every day during which such supply, use, infringement or obstruction continues.

Section 6.

6. The Government of Mysore may, for the placing of appliances and apparatus for the supply of electricity for any purpose of the Government, confer upon any public officer any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885 as made applicable to Mysore by Regulation IV of 1899, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Exercise for the purposes of the Government of the powers of the telegraph authority.

REGULATION No. V OF 1900.

(PASSED ON THE 21ST DAY OF JUNE 1900.)

A Regulation to Amend the Mysore Military Regulation, 1899.

Preamble.

Whereas it is expedient to amend the Mysore Military Regulation, 1899; Her Highness the Maharani-Regent is pleased to enact as follows:—

Amendment
of para 1 of
Rules for
the Punish-
ment of
Crime.

1. For paragraph 1 of the “Rules for the Punishment of Crime in the Mysore Imperial Service Cavalry and Transport, the following shall be substituted, namely:—

“All officers, non-commissioned officers, sowars, and sepoys, “followers of the Imperial Service Troops are subject to these “Rules, except on active service when they are under the same “rules as laid down in the Indian Articles of War, so far as such “rules can be made applicable to them.”

Amendment
of para 36.

2. For paragraph 36 of the said Rules, the following shall be substituted, namely:—

“The procedure to be observed for assembling and “composition of courts-martial on service will be the same as that laid “down in the Indian Articles of War.”

Amendment
of paras 68
78 and 79.

3. In paragraph 68 of the said Rules after the word “assembled,” in paragraph 78 after the word “punishable” and in paragraph 79 after the word “convicted” there shall be inserted the words “under these Rules.”

Amendment
of para 89.

4. In paragraph 89 of the said Rules, the words “or under the Indian Articles of War” shall be omitted.

REGULATION No. VII OF 1900.

(PASSED ON THE 20TH DAY OF JULY 1900.)

A Regulation to Amend the Law Relating to Legal Tender and Coinage in Mysore.

Whereas it is expedient to amend the law relating to Legal Tender and Coinage in Mysore ; Her Highness the Maharani-Regent is pleased to enact as follows :—

1. The Regulation may be called “ The Coinage Regulation, 1900 ;”

The Indian Coinage Act, XXIII of 1870, as it is in force in British India, is printed below for reference :—

THE INDIAN COINAGE ACT XXIII OF 1870.

[As modified up to the 16th September 1899.]

An act to consolidate and amend the law relating to the Mint.

Whereas it is expedient to consolidate and amend the law relating to Coinage and the Mint.

It is hereby enacted as follows :—

I. Preliminary.

1. This Act may be called the Indian Coinage Act, 1870.

2. (*Repeal of enactments.*) Repealed by Act XII of 1873.

3. In this Act, the expression “ Mint ” includes the Mints at Calcutta Bombay and at such other places (if any) as the Governor-General in Council by notification in *Gazette of India*, from time to time directs ;

the expression “ Mint-rules ” means such rules as the Governor-General in Council from time to time prescribes for the management of the Mint ;

and the expression “ remedy ” means variation from the standard weight and fineness.

II.—Gold Coinage.

4. The undermentioned gold coins only shall be coined at the Mint ;—Gold coins—

- (1) a gold mohur or fifteen-rupee piece ;
- (2) a five-rupee piece equal to a third of a gold mohur ;
- (3) a ten-rupee piece equal to two-thirds of a gold mohur ;
- (3) a thirty-rupee piece or a double gold mohur.

Section 1.

Extent
Commence-
ment.

It extends to the whole of Mysore ; and
It shall come into force, with effect from the date of
the passing thereof.

5. The standard weight of the said gold mohur shall be one-
hundred and eighty, Troy, and its standard fine-
ness shall be as follows :—eleven-twelfths or one
hundred and sixty-five grains, of fine gold, and
one-twelfth, or fifteen grains, of alloy.

The other gold coins, shall be of proportionate weight and of the
same fineness :

Provided that, in the making of gold coins, a remedy shall be
allowed of an amount not exceeding two-
thousandths in weight and two-thousandths in
fineness.

III.—Silver Coinage.

6. The undermentioned silver coins only shall be coined at the
Mint :

Silver coins.

- (1) a rupee to be called the Government rupee ;
- (2) a half rupee :
- (3) a quarter rupee, or four anna piece ;
- (4) an eighth of a rupee, or two-anna piece.

7. The standard weight of the Government rupee shall be one
hundred and eighty grains Troy, and its standard
fineness shall be as follows :—eleven-twelfth, or
one hundred and sixty-five grains, of fine silver,
and one-twelfth, or fifteen grains, of alloy.

The other silver coins shall be of proportionate weight and of the
same fineness :

Provided that, in the making of silver coins, a remedy shall be
allowed of an amount not exceeding the follow-
ing :—

		Remedy in weight	Remedy in fineness
Rupee	} ...	Five-thousandths ...	Two-thousandths.
Half-rupee			
Quarter rupee	... }	Seven-thousandths	Three-thousandths.
Eighth of a rupee	... }	Ten-thousandths	

IV. Copper Coinage.

8. The undermentioned copper coins only shall be coined at
the Mint :—

- (1) a double piece, or half anna ;
- (2) a piece, or quarter anna ;
- (3) a half piece, 2 or one-eighth of an anna ;
- (4) a piece, being one-third of a piece, or one-twelfth of an anna.

Section 2.

2. The coins of the Government of India shall be legal tender in Mysore in the cases in which payment made in such coins would, under the law for the time being in force, be legal tender in British India ;

Government of India coins to be legal tender in Mysore as in British India.

9. The weight of the double piece shall be two hundred grains, Troy.
Their weight.

The other copper coins shall be of proportionate weight :

Provided that, in the making of copper coins, a remedy shall be allowed of an amount not exceeding one-fortieth in weight.
Remedy allowed.

V.—*Devices on Coins.*

10. Until the Governor-General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription " Victoria Queen," and on the reverse the designation the coins in English filled by the word " India," with such date and embellishments on each coin as the Governor-General in Council from time to time determines.
Present devices on coins.

11. The Governor-General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this act, and prescribe, in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.
Power to order other devices.

VI.—*Legal Tender.*

12. Gold coins, whether coined at Her Majesty's Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign :
Gold coin a legal tender.

Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight.

13. The said rupee and half rupee shall be a legal tender in payment or on account :
Rupee and half rupees a legal tender.

Provided that the coin has not lost more than two per cent in weight :

Provided also that it has not been clipped or filed, or defaced or diminished otherwise than by use.

Section 2.

British Indian
coinage laws
to apply to
coins current
in Mysore.

And all laws and rules for the time being applicable to coins current in British India shall apply to coins current in Mysore.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

Four-anna and two-
anna pieces,

14. The double piece shall be a legal tender for the thirty-second part of a rupee or for half an anna ;
Copper coin when a
legal tender.

the piece for the sixty-fourth part of a rupee or for one-fourth of an anna ;

the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna ;

and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna ;

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard specified in the Acts No. XVIII of 1835, No. XXI of 1838, and XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender

Coin made under for-
mer Acts.

and all copper coins of the weight specified in Acts No. XXI of 1835 No. XXII of 1844 and No. XIII, of 1862 issued since the passing of those Acts respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act in any Act hereby repealed notwithstanding.

VII—Diminished Counterfeit and Called-in Coin.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorized by the Governor-General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent, in weight, or to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,
he may, by himself or another, (subject to the rules which the Governor-General in Council prescribes in this behalf), cut or break such coin.

Section 3.

3. The Indian Coinage Act, 1870, as extended to Mysore by the Notification of the Government of India, Foreign Department, Finance, No. 433, dated the 22nd November 1870, is repealed.

Repeal of Act
XXIII of
1870.

17. If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the authority of the Government of India, and has lost, by reasonable wearing, more than two per cent in weight, or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

18. (*Indemnification of public servants*), Repealed by Act XII of 1876.

No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

Bar of suits for acts
done *bona fide*.

VIII.—Coinage of Bullion.

19 to 26. (*Repealed by Act VIII of 1893.*)

IX.—Power to make Rules.

27. The Governor-General in Council may, from time to time,—

Rules as to officers and
management of the Mint.

(1) fix the number and duties of the officers of, and persons employed in the Mint :

(2) make rules and give directions (subject to the provisions of this Act and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

28. The Governor-General in Council may also, from time to time, by notification in the *Gazette of India*,—

Rules by notification.

(1) diminish the amount of remedy allowed by sections 5, 7 and 9 in the case of any coin :

(2) determine in the case of any coin the date and embellishments to be put thereon :

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned :

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section 16 :

(5) prescribe the charge to be made on account of the loss and expense of refining :

(6) determine the period for which certificates granted under section 24 [a] shall run :

(7) fix the fee payable under section 25 [a] :

(8) establish a Mint at any place in British India, other than Calcutta and Bombay :

(9) abolish any Mint so established or any Mint now existing in British India :

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act :

(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned and shall have effect as if it were enacted in this Act.

SCHEDULE.

(ENACTMENTS REPEALED).

Repealed by Act XII of 1873.

[a] Ss. 24 and 25 were repealed by Act VIII of 1893.

REGULATION No. X OF 1900.

(PASSED ON THE 16TH DAY OF NOVEMBER 1900.)

A Regulation to further amend the Indian Evidence Act 1872, as in force in Mysore.

WHEREAS it is expedient to further amend the Indian Evidence Act, 1872, as in force in Mysore ; Her Highness the Maharani-Regent is pleased to enact as follows :—

Preamble.

1. This Regulation shall come into force at once.

Commence-
ment.

2. (1) In section 45 of the Indian Evidence Act, 1872, as amended by section 4 of the Indian Evidence Act Amendment Act, XVIII of 1872, after the word "hand-writing" in each of the two places in which it occurs, the words "or finger-impressions" shall be inserted.

Amendment
of section 45,
and addition
to section 73,
Act I, 1872.

(2) To section 73 of the said act, the following shall be added, namely :—

"This section applies also, with any necessary modifications, to finger impressions."

THE MYSORE FOREST REGULATION, 1900.

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REGULATION No. XI OF 1900.

(PASSED ON THE 16TH DAY OF NOVEMBER 1900.)

**A Regulation to amend the Law relating to Forests
and Forest Produce in Mysore.**

Whereas it is expedient to amend the law relating to forests and forest produce in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Forest Regulation, 1900.

Title, extent, and commencement.

(2) It extends to the whole of Mysore; provided that the Government may, by notification in the official Gazette, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption; and

* (3) It shall come into force on such date as the Government may by notification in the official Gazette, direct.

(4) A Notification under the proviso to sub-section (2), exempting a place from the operation of the whole or any part of this Regulation, shall not affect anything done, or any offence committed, or any fine or penalty imposed, in such place before such exemption.

(5) On and from the date on which this Regulation comes into force, the "Rules for the administration of Forests and waste lands in the Territories of His Highness the Maharaja of Mysore," published under the Notification of the Governor-General of India in Council, No. 588 F., dated the 8th June 1878, shall be repealed. But all acts done, proceedings had, appointments made, powers conferred, subsidiary rules prescribed and notifications published under the said Rules of 1878, or under any other law relating to matters for which this Regulation provides shall, so far as they are not inconsistent with this Regulation, be deemed to have been respectively done, had,

Repeal of Forest Rules of 1878.

*The Regulation came into force on the 1st day of January 1901.
(Notification No. 7316—Legis-53, dated 24th November 1900).

Section 2.

made, conferred, prescribed and published under this Regulation.

Interpretation
clause

2. In this Regulation and in all rules made thereunder unless there be something repugnant in the subject or context. —

Forest Officer.

(1) "Forest Officer" means any person appointed by name or as holding an office, by or under the orders of the Government. to be a Conservator, Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest Ranger, Forester, Forest Guard or Watcher, or to discharge any function of a Forest Officer under this Regulation or any rule thereunder :

District
Forest Officer.

(2) "District Forest Officer" means the chief Forest Officer of a district, or of a portion of a district if in independent charge of such portion.

Tree.

(3) "Tree" includes stumps, palms, bamboos, canes, and brushwood :

Timber.

(4) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not :

Forest
produce.

(5) "Forest produce" includes—

- (a) the following, whether found in or brought from a forest or not, that is to say, timber, charcoal, caoutchouc, catechu, wood oil,* Sandal wood oil resin, natural varnish, bark, lac, mahua flowers and myrabolams, and
- (b) the following whether found in or brought from a forest, that is to say—
 - (i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,
 - (ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants,
 - (iii) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and
 - (iv) peat, surface-soil, rock and minerals, including limestone, laterite, mineral oils, and all products of mines or quarries :

* Inserted by Regulation VII of 1920.

Section 3.

(6) "Forest offence" means an offence punishable under this Regulation or any rule issued thereunder: Forest offence.

(7) "Cattle" includes also elephants, camels, buffaloes, horses mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kinds: Cattle.

(8) "River" includes also streams, canals, creeks and other channels, natural or artificial: River.

(9) "Land at the disposal of Government" means land in respect of which no person has acquired— Land at the disposal of Government.

(a) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force; or

(b) any right created by grant or lease made or continued by, or on behalf of, Government:

(10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by Government to try forest offences: Magistrate.

(11) "State Forest" means any land settled and notified as such in accordance with the provisions of Chapter II of this Regulation: State Forest.

(12) "Village Forest" means any land notified as such in accordance with the provisions of Chapter III of this Regulation: Village Forest.

(13) "District Forest" includes all land at the disposal of Government not included within the limits of any State or Village Forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purpose: District Forest.

Provided that it shall be competent for Government to modify or set aside such assignment and constitute any such land a State, Village or District Forest, or devote the same to any other purpose it may deem fit.

CHAPTER II.

STATE FORESTS.

3. Any land at the disposal of Government may be constituted a State Forest in the manner hereinafter provided. Power to constitute State Forests.

Sections 4-6.

Notification
by Govern-
ment.

4. Whenever it is proposed to constitute any land a State Forest, the Government shall publish a notification in the official Gazette—

(a) specifying as nearly as possible the situation and limits of such land ;

(b) declaring that it is proposed to constitute such land a State Forest ; and

(c) appointing an officer (hereinafter called “ the Forest Settlement Officer ”) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this chapter.

The officer appointed under clause (c) of this section shall ordinarily be a person other than a Forest Officer ; but a Forest Officer may be appointed by the Government to assist the Forest Settlement Officer in the enquiry prescribed by this Chapter.

Proclamation
by Forest
Settlement
Officer.

5. When a notification has been published under section 4, the Forest Settlement Officer shall publish, in Kanarese, in the official Gazette and at the head-quarters of each taluk in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(a) specifying as nearly as possible the situation and limits of the proposed forest ;

(b) setting forth the substance of the provisions of section 6 ;

(c) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a State Forest ; and

(d) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section 4, either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right or claim, and in either case to produce all documents in support thereof.

Bar of accrual
of forest
rights.

6. (1) During the interval between the publication of such proclamation and the date fixed by the notification

Sections 7-8.

declaring the forest to be a State Forest as hereinafter provided, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right, or power to create such right, was vested when the proclamation was published ; and, on such land no new house shall be built or plantation formed, no fresh clearings, for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided. No right of occupancy shall, without the previous sanction of Government, be granted in respect of such land, and every right of occupancy granted without such sanction shall be null and void.

(2) Nothing in this section shall be deemed to prohibit any act done under the written permission of the Forest Settlement Officer.

(3) No Civil Court shall, between the dates of publication of the notification under section 4 and of the final notification to be issued under section 17, entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification under section 4.

7. The Forest Settlement Officer shall take down in writing all statements made under section 5 (b), and shall, at some convenient place, enquire into all claims duly preferred under that section, and into the existence and extent of any rights mentioned in section 4 (c) and not claimed under section 5 (b), so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Enquiry by
Forest Settlement
Officer.

The Forest Settlement Officer shall, at the same time, consider and record any objection which the Forest Officer, if any, appointed to assist him may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

8. For the purposes of such enquiry the Forest Settlement Officer may exercise the following powers :—

Powers of
Forest Settlement
Officer.

(i) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same : and

(ii) the powers of a Civil Court in the trial of suits.

Section 9-10.

Extinction of
rights.

9. Rights in respect of which no claim has been preferred under section 5 and of the existence of which no knowledge has been acquired by enquiry under section 7, shall be extinguished unless, before the final notification under section 17 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 5 (*d*), in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

Power to
acquire land
over which
right is
claimed.

10. In the case of a claim to a right in or over any land (other than a right of way or pasture or a right to forest produce or water), or in respect of any building standing on such land, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

If such claim is admitted in whole or in part, the Forest Settlement Officer shall either—

- (1) exclude such land or building from the limits of the proposed State Forest, or
- (2) come to an agreement with the owner for the surrender of his rights, or
- (3) proceed to acquire such land in the manner provided by the Mysore Land Acquisition Regulation, 1894.

For the purpose of so acquiring such land or buildings—

(a) the Forest Settlement Officer shall be deemed to be a Deputy Commissioner proceeding under the Mysore Land Acquisition Regulation, 1894 ;

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Regulation ;

(c) the provisions of the preceding sections of that Regulation shall be deemed to have been complied with ; and

(d) the Forest Settlement Officer with the consent of the claimant, or the Court (as defined in the said Regulation) with the consent of the claimant and the Deputy Commissioner of the District, may award compensation in land, or partly in land and partly in money.

Sections 11-13.

11. In the case of a claim to rights of way or pasture or to forest produce or water, the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same in whole or in part.

Order on claims to rights of way or pasture or to forest produce or water.

12. If the Forest Settlement Officer admits in whole or in part any claim under section 11, he shall record the extent to which the claim is so admitted, specifying—

Record to be made where claim is admitted.

(a) in the case of rights of way, by whom they may be enjoyed, the width of way, and whether for cart traffic or for men and cattle only, and the conditions, if any, attached to the right;

(b) in the case of pasturage, the number and description of cattle only which the claimant is from time to time entitled to be grazed in the forest, the season during which such pasturage is permitted, and any conditions attached to the right;

(c) in the case of forest produce, the quantity of timber or other forest produce which the claimant is entitled to take or receive, whether the benefit of such timber or other forest produce may be leased, sold or bartered, and such other particulars as may be necessary in order to define the nature, incidents and extent of the right; and

(d) in the case of water, by whom and for what purposes the water may be utilized, and any conditions attached to its use.

13. After making such record, the Forest Settlement Officer shall pass such order as will as far as possible, ensure the continued exercise of admitted rights.

Exercise of admitted rights.

For this purpose the Forest Settlement Officer may—

(a) provide some other reasonably convenient right of way; or

(b) set out some other forest tract of sufficient extent, and in a locality reasonable convenient, for the exercise of rights to pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent; or

(c) so alter the limits of the proposed State Forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purposes of the claimants with regard to pasturage or other forest produce. Land so excluded may be either outside the boundaries of

Sections 14-17

the forest as finally settled or within them, in which latter case it shall be demarcated and notified as an enclosure within which the rules relating to State Forest shall not apply; or

(d) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons, within such portions of the proposed State Forests, and under such rules, as may from time to time be prescribed by Government to ensure the continuance but non-abuse of such rights.

Commutation
of rights.

14. In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the proposed State Forest, to make such settlement under section 13 as shall ensure the continued exercise of the said rights to the admitted extent, he shall (subject to such rules as the Government may from time to time prescribe in this behalf) commute such rights, either by the payment of a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

Appeal from
order passed
under section
10, 11, 12, 13
or 14.

15. Any person who has made a claim under this chapter or any Forest Officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 10, 11, 12, 13 or 14, prefer an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Government may, by notification in the official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal under
section 15.

16. Every appeal under the last foregoing section shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the appellate authority.

Every such appeal shall be heard and determined in the manner prescribed for the time being for the disposal of appeals in matters relating to land revenue; and the order passed on the appeal shall be final, subject only to revision by the Government.

Notification
declaring
forest State
Forest.

17. When the following events have occurred, *viz.*—

Sections 18-20.

(a) the period fixed under section 5 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest Settlement Officer; and

(b) if such claims have been made, the period fixed by section 15 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate authority; and

(c) all proceedings prescribed by sections 10 and 13 have been taken and all lands or buildings (if any) to be included in the proposed State Forest, which the Forest Settlement Officer has under section 10 elected to acquire under the Mysore Land Acquisition Regulation, 1894, have become vested in Government under section 16 of that Regulation;

the Government may publish a notification in the official Gazette specifying the limits of the forest which it is intended to constitute a State Forest and declaring the same to be a State Forest from a date fixed by such notification, subject to the exercise of rights (if any) specified at foot of the said notification.

From the date so fixed such forest shall be deemed to be a "State Forest."

18. The Deputy Commissioner shall, before the date fixed by such notification, cause a translation thereof in Kanarese to be published in the official Gazette and at the head-quarters of the taluk in which the forest is situated, and in every town and village in the neighbourhood of such forest, in the manner prescribed for the proclamation under section 5.

Publication of translation of such notification in neighbourhood of forest.

19. The Government may, within five years from the publication of any notification under section 17, revise any arrangement made under section 13, and may for this purpose, rescind or modify any order made under section 13 or 16, and direct that any one of the proceedings specified in section 13 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 14.

Power to revise arrangement made under section 13 or 16.

20. No right of any description shall be acquired in or over a State Forest, except by succession or under grant or contract in writing made by or on behalf of the Government or of some person in whom such right or the power

Acquisition of rights over State Forests.

Sections 21-24.

to create such right was vested when the notification under section 17 was published.

Alienation of
rights in
State Forests.

21. Notwithstanding anything contained in section 20, no right continued under section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of Government :

Provided that, when any such right is appendant to any land or building, it may be sold or otherwise alienated with such land or building without such sanction.

The benefit of any right continued under section 13 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under section 16.

Power to stop
way and
water-courses
in State
Forests.

22. Any Forest Officer may, from time to time, with the previous sanction of Government, or of a Forest or other officer authorized by Government in that behalf, stop any public or private way or water-course in a State-Forest.

Provided that for the way or water-course so stopped another way or water-course which, in the opinion of the Government or officer authorized as aforesaid, is equally convenient, already exists or has been provided or constructed.

State Forests
constituted
previous to
the passing
of this Regu-
lation.

23. The Government may, by notification in the official Gazette, declare that any forest which has been notified as a State Forest previous to the date on which this Regulation comes into force, shall be a State Forest under this Regulation :

Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been enquired into, settled and recorded in a manner which the Government deems sufficient, the same shall be enquired into, settled and recorded in the manner provided by this Regulation ; and, until such enquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

All questions decided, orders issued and records prepared in connection with the constitution of such forest as a State Forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Regulation relating to State Forests shall apply to forests notified under this section.

Penalties for
trespass or
damage in
State Forests.

24. Any person who in a State Forest—

Sections 25-26.

(a) trespasses, or pastures cattle, or permits cattle to trespass, or

(b) causes any damage by negligence in felling any tree or cutting or dragging any timber; or strips off the barb or leaves from, or otherwise damages any tree or shrub, or

(c) poisons or dynamites water, or, in contravention of any rules made by the Government, hunts, shoots, fishes, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

25. Any person who.—

Acts prohibited in State Forests.

(a) makes any fresh clearing prohibited by section 6, or

(b) sets fire to a State Forest, or, in contravention of any rules made by the Government, kindles any fire, or, leaves any fire burning, in such manner as to endanger such a forest,

or who, in any such forest,

(c) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest Officer duly empowered in this behalf may from time to time notify, or

(d) fells, cuts, girdles, marks, lops, taps or injures by fire or otherwise any tree, or

(e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce, or

(f) clears or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

26. Nothing in section 24 or section 25 shall be deemed to prohibit—

Acts excepted from sections 24 and 25.

(a) the exercise, in accordance with the rules, if any, made by the Government under section 13, of any right continued under that section, or

(b) the exercise of any right created by grant or contract in the manner described in section 20, or

(c) any act done with the permission in writing of a Forest Officer duly empowered to grant such permission.

Sections 27-29.

Privileges
may be grant-
ed in State
Forests.

27. The Government may in any State Forest grant such privileges as may be consistent with the due maintenance of the forest; and may, without assigning reason therefor, cancel such grant;

Provided always that all privileges so granted shall previously be specified and recorded by the Deputy Commissioner of the District in the manner provided in section 12:

Provided further that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

Penalty for
offences com-
mitted by
persons
having rights
in State
forests.

28. Whenever fire is caused wilfully or by gross negligence in a State Forest by any person having rights in such forest or by any person in his employment or whenever any person having rights in such forest contravenes the provisions of section 21, the Government may, notwithstanding the infliction of any punishment under this Regulation, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce shall be extinguished, or for such period as it thinks fit be suspended.

Persons
bound to
assist Forest
Officer and
Police Officer.

29. Every person who exercises any right in a State Forest, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every village officer or person in any village contiguous to such forest who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such forest or the commission of, or intention to commit, any forest offence and shall assist any Forest or Police Officer [a] *

* * * [a]

(a) in extinguishing any fire occurring in such forest,

(b) in preventing any fire which may occur in the vicinity of such forest from spreading into such forest,

[b] and shall assist any Forest or Police officer demanding his aid—[b]

[a-a] The words "demanding his aid" were omitted, and [b-b] these words were inserted in section 29, by Regulation IX of 1901, s. 2.

Sections 30-33.

(c) in preventing the commission in such forest of any forest offence, and,

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

30. (1) The Government may, by notification in the official Gazette, direct that, from a date to be fixed by such notification, any forest constituted a State Forest under this Regulation or any portion thereof, shall cease to be a State Forest or portion of a State Forest.

Power to
declare forests
no longer
State Forests.

(2) From the date so fixed, such forest or portion shall cease to be of a State Forest or portion of State Forest; but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.

VILLAGE FORESTS.

31. (1) The Government may, by notification in the official Gazette, constitute any land at the disposal of the Government a Village Forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such notification.

Constitution
of Village
Forests.

(2) Every such notification shall specify the limits of such Village Forest.

32. (1) The Government may make rules for regulating the management of Village Forests, prescribing the conditions under which the community or group or communities for the benefit of which any such forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

Power to
make rules
for Village
Forests.

(2) The Government may by such rules declare all or any of the provisions of Chapter II of this Regulation to be applicable to Village Forests.

33. All claims to any rights other than the rights of the village community or group of village communities for the benefit of which such Village Forest is constituted shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Regulation.

Inquiry into
and settle-
ment of,
rights.

Sections 34-35.

CHAPTER IV.

DISTRICT FORESTS.

Power to
grant
privileges in
District
Forests.

34. The Government may, in any District Forest, grant such privileges at it thinks fit in regard to the removal by cultivating raiyats or other classes of persons of forest produce required for prescribed purposes; and may without assigning reason therefor, cancel such grant: Provided always that the exercise of any privilege under this section shall be for the use of the person entitled therein, and not for the purpose of export or merchandise.

Power to
make rules
for District
Forests.

35. Subject to all rights now legally vested in individuals and communities, the Government may, for any district or portion of a district, make rules to regulate the use of the forest produce or of the pasturage of any land at the disposal of Government and not included in a State or Village Forest.

Such rules may amongst other things—

(i) declare that certain trees shall be classed as reserved trees not to be felled without the special sanction of the Conservator of Forests or of an officer duly authorized by him;

(ii) declare that certain trees not classed as reserved shall be granted to cultivating raiyats on favourable rates on seigniorage;

(iii) provide for placing any area at the disposal of Government under special protection, in view to its subsequent settlement and constitution as a State Forest or for any other purpose, and prescribe the conditions and penalties attendant on such special protection;

(iv) regulate or prohibit the grant of land and its clearing and breaking up for cultivation or other purposes;

(v) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(vi) regulate or prohibit the felling, cutting, girdling, making lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion, and removal of trees and timber, and the collection and removal of other forest produce;

Sections 36 - 36A & B.

(vii) regulate or prohibit the quarrying of stone or gravel, the burning of lime or charcoal, the smelting of ore, or the boiling of catechu ;

(viii) regulate or prohibit the cutting of grass and pasturing of cattle, and prescribe the payments (if any) to be made for such cutting or pasturing ;

(ix) regulate or prohibit hunting, shooting, beating or driving for game, fishing, poisoning or dynamiting water, and setting traps or snares ;

(x) regulate the disposal of timber and other forest produce whether by sale or by free grant ;

(xi) prescribe, or authorize the Conservator and the Deputy Commissioner of the district jointly to prescribe, the fees, royalties or other payments for such timber and other forest produce, and the manner in which they shall be levied.

36. The Government may by such rules prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees, or both.

Penalties for acts in contravention of rules.

Provided that the Government may exempt any person or class of persons from the operation of all or any of such rules.

[^a] **36A.** Whenever fire is caused wilfully or by gross negligence in any land placed under special protection under clause (iii) of section 35, the Government may (notwithstanding the infliction of any punishment under this Regulation) direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce shall, for such period as it thinks fit, be suspended.

Suspension of rights in cases of fires caused wilfully or by gross negligence.

[^a] **36B.** Every person who exercises any right in any land placed under special protection under clause (iii) of section 35, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such land, and every person who is employed by any such person in such land and every village officer or person in any village contiguous to such land who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such land or the commission

Persons bound to assist forest officer and Police officer.

[^a] Sections 36 and 36B were inserted by Regulation IX of 1901, s. 3.

Sections 36C-36D

of, or intention to commit, any forest offence, and shall assist any Forest or Police Officer—

(a) in extinguishing any fire occurring in such land,
 (b) in preventing any fire which may occur in the vicinity of such land from spreading into such land, and shall assist any Forest or Police Officer demanding his aid—

(c) in preventing the commission in such land of any forest offence, and

(d) when there is reason to believe that any such offence has been committed in such land, in discovering and arresting the offender.

CHAPTER IV A.

Control over Forests and Lands not at the disposal of Government or in which Government has limited interest.

Protection of
forests at
request of
owners.

36C. The owner of any land, or, if there be more than one owner thereof the owners of shares therein, whether divided or not, amounting in the aggregate to at least three-fourths thereof, may, with a view to the formation or conservation of forest thereon, represent in writing to the Conservator, their desire.

(a) that such land be managed on their behalf by the District Forest Officer as a State Forest, on such terms as may be agreed upon; or

(b) that such land be managed, subject to the control of the Conservator, by a person by appointed themselves and approved by the Conservator; or

(c) that all or any of the provisions of this Regulation or Rules made thereunder be applied to such land.

The Government may in any such case, by a notification in the Official Gazette, apply to such land such provisions of this Regulation as it thinks suitable to the circumstances thereof and as may be desired by the applicant.

Any such notification may be altered or cancelled by a like notification.

Management
of forests, the
joint property
of Govern-
ment and
other persons.

36D. If the Government and any person or persons are jointly interested in any forest or waste land, or in the whole or any part of the produce thereof, the Government may either,

Sections 36E-37.

(a) undertake the management of such forest, waste land or produce accounting to such person for his interest in the same ; or

(b) issue such regulations for the management of the forest, waste land or produce by the persons so jointly interested, as it deems necessary for the management thereof, and the interests of all parties therein.

When the Government undertakes under Clause (a) of this Section, the management of any forest, waste land or produce, it may, by notification in the Official Gazette, declare that any of the provisions contained in chapters II and IV of this Regulation, shall apply to such forest, waste land or produce and thereupon such provisions shall apply accordingly.

36E. All persons employed under Sections 36C and 36D to carry out the provisions of this Regulation shall be deemed to be Forest Officers within the meaning of this Regulation."

Persons employed to carry out the Regulation to be deemed Forest Officers.

CHAPTER V.

CONTROL OF FOREST PRODUCE IN TRANSIT.

37. (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all forest produce in transit by land or water, is vested in the Government, which may make rules to regulate the transit of any forest produce.

Power to make rules to regulate transit of forest produce

(2) Such rules may, among other matters,

(a) prescribe the routes by which alone forest produce may be imported into, exported from, or moved within, the territories to which this Regulation extends ;

(b) prohibit the import, export, collection, or moving of forest produce without a pass from an officer authorized to issue the same, or otherwise than in accordance with the conditions of such pass ;

(c) provide for the issue, production and return of such passes ;

(d) fix, or authorize any Forest Officer, subject to the control of the Government, to fix, the fees payable for such passes ;

Sections 37.

(*e*) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government ;

(*f*) provide for the stoppage, reporting, examination and marking of forest produce in transit in respect of which there is reason to believe that any money is payable to the Government, or to which it is desirable, for the purposes of this Regulation, to affix a mark ;

(*g*) establish revenue stations or depots to which forest produce is to be taken by the persons in charge of it for examination, or for the realisation of such money, or in order that such mark may be affixed to it, and prescribe, or authorize a Forest Officer, subject to such control as aforesaid, to prescribe, the conditions under which forest produce is to be brought to, stored at, and removed from, such revenue stations or depots ;

(*h*) provide for the management and control of such revenue stations or depots and for regulating the appointment and duties of persons employed thereat ;

(*i*) authorize the transport of timber across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber ;

(*j*) prohibit the closing up or obstruction of the channel, or banks of any river used for the transit of forest produce and the throwing of grass, brushwood, branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel ;

(*k*) Provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal from the person causing such obstruction ;

(*l*) prohibit absolutely, or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or super-marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber ; and

(*m*) regulate the use of property marks for timber and the registration of such marks, authorize the

Sections 38-39.

refusal or cancellation of the registration of any property marks, prescribe the time for which the registration of property marks is to hold good, limit the number of such marks which may be registered by any one person and provide for the levy of fees for such registration.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

38. (1) The Government may, by a rule under the last foregoing section, attach to the breach of any rule under that section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for breach of rules under the last foregoing section.

(2) In cases where the offence is committed after sunset and before sunrise or after preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Court may inflict double the penalty prescribed for such offence.

CHAPTER VI.

COLLECTION OF DRIFT, STRANDED, AND OTHER TIMBER.

39. (1) Timber falling under any of the following descriptions, namely:—

(a) timber found adrift, beached, stranded, or sunk;

(b) timber bearing marks which have not been registered under rules made under section 37;

(c) timber which has been supermarked, or on which marks have been obliterated, altered, or defaced by fire or otherwise; and

(d) in such areas as the Government directs, all unmarked timber,

shall be deemed to be the property of the Government unless and until any person establishes his right thereto as provided in this chapter.

(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same, and may be brought to such stations as a Forest Officer specially empowered in this behalf may, from time to time, notify as stations for the reception of drift timber.

Certain kinds of timber to be deemed the property of Government until title thereto prove.

Sections 40-42.

(3) The Government may, by notification in the official Gazette, exempt any class of timber from the provisions of this section and withdraw such exemption.

Notice to claimants of timber of those kinds.

40. (1) Public notice shall, from time to time, as occasion may require, be given by a Forest Officer specially empowered in this behalf of timber collected under the last foregoing section.

(2) Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

41. (1) When any such statement is presented as aforesaid, the Forest Officer may, after making such enquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation against the Government or against any Forest Officer on account of such rejection or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil Court until it has been delivered or a suit brought under this section has been decided.

Disposal of unclaimed timber.

42. Where no statement is presented in the manner and within the period prescribed by notice issued under section 40, or where, such statement having been so presented and the claim rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 41, the ownership of such timber shall vest in the Government free from all encumbrances or when such timber has been

Sections 43-45.

delivered to another person under section 41 in such other person free from all encumbrances not created by him.

43. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until such sum as may be due for salving, collecting, moving, storing, and disposing of the timber has been paid by him to the Forest Officer or other person entitled to receive the same.

Payments to be made by claimant before timber is delivered to him.

44. (1) The Government may make rules to regulate the following matters, namely :—

Power to make rules and prescribe penalties.

- (a) the salving, collection, and disposal of all timber mentioned in section 39 ;
- (b) the use and registration of boats used in salving and collecting timber ;
- c) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber ; and
- (d) the use and registration of hammers and other implements to be used for marking such timber.

(2) The Government may, by a rule under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VII.

PENALTIES AND PROCEDURE.

45. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, carts and cattle used in the commission of such alleged offence, may be seized by any Forest Officer or Police Officer.

Seizure of property liable to confiscation.

(2) Every officer seizing any property under this section shall place on such property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the person accused of the offence on account of which the seizure has been made :

Sections 46-49.

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Production on receipt by Magistrate of report of seizure.

46. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Forest produce, tools, etc., when liable to confiscation.

47. (1) When any person is convicted of a forest offence, all forest produce which is not the property of the Government, and in respect of which such offence has been committed, and all tools, boats, carts and cattle used in the commission of such offence, shall be liable, by order of the convicting Court, to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for Forest offence of produce in respect of which it was committed.

48. When the trial of any forest offence is concluded any forest produce in respect of which such offence has been committed shall, if it is the property of the Government, or has been confiscated, be taken possession of by a Forest Officer duly empowered in this behalf, and, in any other case, shall be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

49. (1) When the offender is not known or cannot be found the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed, to be confiscated and taken possession of by a Forest Officer duly empowered in this behalf, or to be made over to such Forest Officer or other person as the Magistrate may consider entitled to the same:

Provided that no such order shall be made till the expiration of one month from the date of the seizure of such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under sub-section (1) to be served upon any person whom he has reason to believe to be interested

Sections 50-55.

in the property seized, or publish such notice in any way which he may think fit.

50. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 45 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Procedure as to perishable property seized under section 45.

51. Any person claiming to be interested in property seized under section 45 may, within one month from the date of any order passed by a Magistrate under section 47, 48 or 49, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Appeal from orders under sections 47, 48 and 49.

52. When an order for the confiscation of any property has been passed under section 47 or 49 and the period limited by section 51 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government free from all encumbrances.

Vesting of Confiscated property in Government.

53. Nothing hereinbefore contained shall be deemed to prevent any Forest Officer or other Officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under section 45 which is not the property of Government, and the withdrawal of any charge made in respect of such property.

Saving of Power to release property seized. Punishment for wrongful seizure.

54. (1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, of any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.

55. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,—

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate

Sections 56-59.

that such timber or tree is the property of the Government or of some person or that it may lawfully be felled or removed by some person, or

(b) unlawfully affixes to any timber or standing tree a mark used by Forest Officers, or

(c) alters, defaces, or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest Officer, or

(d) alters, moves, destroys, or defaces any boundary mark of any forest or waste land to which any provisions of this Regulation apply,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to
arrest without
warrant.

56. (1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest Police Station.

Power to
prevent
commission of
offence.

57. Every Forest Officer and every Police Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest offence.

Operation of
other laws not
barred.

58. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation or the rules made thereunder.

Provided that no person shall be punished twice for the same offence.

Power to
compound
offences.

59. (1) The Government may, by notification in the official Gazette, empower a Forest Officer by name, or as holding an office,—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence other than an

Sections 60-61.

offence specified in section 54 or section 55, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

- (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no other proceedings shall be taken against such person or property.

(3) No Forest Officer shall be empowered under this section, unless he is of a rank not inferior to that of Forest Ranger and is in receipt of a monthly salary of not less than seventy rupees, and the sum of money accepted as compensation under sub-section (1) clause (a), shall in no case exceed fifty rupees.

(4) The officer accepting such compensation shall in all cases record proceedings setting forth the circumstances and amount of compensation accepted, and a copy thereof shall be given to the person paying the compensation, and another submitted with the least possible delay to the officer's immediate official superior. The amount of compensation received shall be credited to Government without undue delay.

60. When in any proceedings taken under this Regulation, or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property of Government, such forest produce shall be deemed to be the property of Government, until the contrary is proved.

Presumption
that forest
produce
belongs to
Government.

61. (1) When any person is convicted of felling, cutting, girdling, marking, lopping, or tapping trees or of injuring them by fire or otherwise, in contravention of this Regulation or of any rule thereunder, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the Government such compensation, not exceeding ten rupees for each tree with respect to which the offence was committed, as it deems just.

Compensation
for damage
caused by
commission
of offences.

Sections 62-64.

(2) If the person convicted of the offence committed it as the agent or servant of another person the convicting Court may, unless, after hearing that other person, it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (1).

(3) An appeal from any order under sub-section (1) or sub-section (2) shall lie to the Court to which orders made by the convicting Court or ordinarily appealable, and the order passed on such appeal shall be final.

Forfeiture of
leases.

62. When the holder of any lease, license, or contract whatsoever granted or continued by or on behalf of the Government for any of the purposes of this Regulation commits an offence against this Regulation or any rule thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, license, or contract, and the Government is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any wilful neglect or default on his part, the Government may, by order in writing, declare the lease, license, or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order.

CHAPTER VIII.

CATTLE TRESPASS.

Cattle
Trespass Act,
1871, as
amended by
VIII of 1892,
to apply.

63. Cattle trespassing in a State or Village Forest, or in a District Forest contrary to the provisions of section 35 and the rules made thereunder, shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871*, as amended by Regulation VIII of 1892, and may be seized and impounded as such by any Forest Officer or Police Officer.

Power to
alter fines
fixed by that
Act.

64. The Government may, by notification in the *Official Gazette*, direct that, in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871*, as amended by Regulation VIII of 1892, there shall be levied for each

* See Mysore Code, Vol. I, pp. 204-215, for Act 1 of 1871, as amended by Regulation VIII of 1892.

Section 65.

head of cattle impounded under section 63 of this Regulation such fines as it thinks fit but not exceeding the following, namely :—

	Rs.	a.	p.
For each elephant	10	0	0
For each buffalo or camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer ...	1	0	0
For each calf, ass, pig, ram, ewe, sheep, lamp, goat, or kid	0	8	0

CHAPTER IX.

FOREST OFFICERS.

65. (1) The Government may invest any Forest Officer by name, or as holding an office, with all or any of the following powers, namely :—

Investiture
of Forest
Officers with
certain
powers.

(a) power to enter upon any land and to survey, demarcate, and make a map of the same ;

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents ;

(c) power to issue search-warrants under the Code of Criminal Procedure ;

(d) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence ;

(e) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State Forest ;

(f) power to grant any permission referred to in section 26 and 37 ;

(g) power to notify stations for the reception of drift timber ;

(h) power to give public notice of timber collected under section 39 ;

(i) power to take possession of property under this Regulation ;

(j) power to direct the release of property or withdrawal of charges ;

and may withdraw any power so conferred.

(2) Any evidence recorded under clause (d) of subsection (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender :

Sections 66-72.

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356, or section 357 of the Code of Criminal Procedure.

Forest
Officers
deemed public
servants.

66. All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Indemnity for
acts done in
good faith.

67. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Regulation.

Forest
Officers not to
trade.

68. No Forest Officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether in Mysore or in foreign territory.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Forest rights
of Inamdars
entitled to
timber and
sandalwood.

69. (1) All inamdars who, by the terms of their sannads, or by judicial decision, are entitled to the timber and sandalwood in their inam villages, may fell and sell without previous reference any such timber, excepting sandalwood.

(2) The Conservator of Forests may cause any sandalwood growing in such inam lands to be cut and sold on behalf of the inamdars under such rules as may, from time to time, be made by the Government.

Forest rights
of Inamdars
not entitled
to timber and
sandalwood.

70. Inamdars who are not entitled by sannads or by judicial decision to the timber and sandalwood growing on their inam lands may cut and sell all wood, with the exemption of teak and sandal, growing on such lands.

Removal of
forest
produce
from inam
lands.

71. No trees, wood or timber or other forest produce shall be removed from inam lands without a pass, to be obtained under such rules as the Government may, from time to time, make; provided that no payment shall be made for such passes.

Sandalwood
the exclusive
property of
Government.

72. All sandal trees in Mysore shall be the exclusive property of Government, unless the same be situated in an area in which the Government may have expressly alienated its right to sandalwood.

Sections 73-76.

73. (1) Every occupant or holder of land shall be responsible for the due preservation of all sandal trees growing thereon, and shall, in the event of an injury to any such tree from whatever cause at once report such fact to the nearest local Revenue Officer.

Responsibility of occupants and holders for preservation of sandal trees.

(2) Any occupant or holder who fails to report any such case of injury as aforesaid, or to prove to the satisfaction of a Revenue Officer not lower in rank than an Amildar or Deputy Amildar, that such injury was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation or with his connivance, shall, notwithstanding any other penalty to which he may be liable, be liable to pay to Government such compensation on account of such injury as to such Revenue Officer may seem reasonable.

74. In any case of a forest offence having reference to the cutting, uprooting or removal of, or damage to, a sandal tree or part of a sandal tree belonging to Government, the maximum penalty to which the offender is liable under any other section of this Regulation shall be doubled.

Penalty for offence in regard to sandalwood.

75.* No person shall sell or attempt to sell sandalwood, or manufacture or distil or attempt to manufacture or distil oil from sandalwood, or redistil, refine or sell or attempt to redistil, refine or sell oil extracted from sandalwood, except under a license granted by such authority and subject to such restrictions and conditions as Government may from time to time, prescribe in this behalf *

Regulation of the manufacture of sandalwood oil.

76. The Government may make rules consistent with this Regulation--

Additional powers to make rules.

(a) to declare by what Forest Officer or class of Forest Officers the powers or duties conferred or imposed by or under this Regulation on a Forest Officer are to be exercised or performed;

(b) to regulate the procedure of Forest Settlement Officers;

(c) for the preservation and disposal of forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons;

(d) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Regulation or from the public treasury; and

* This was substituted for the original by Section 2 of regulation VII of 1920.

Sections 77-82.

(e) Generally, to carry out the object and purposes of this Regulation.

Rules, when
to have force
of law.

77. All rules made by the Government under this Regulation shall be published in the *Official Gazette*, and shall thereupon have the force of law.

Penalties for
breach of
rules.

78. Any person breaking any rule under this Regulation for the breach of which no special penalty is provided shall be liable on conviction to imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

Recovery of
money due to
Government.

79. All money, other than fines, payable to the Government under this Regulation, or under any rule made thereunder, or on account of the price of any forest produce, or of expenses incurred in the execution of this Regulation in respect of such forest produce, may if not paid when due be recovered under the law for the time being in force as if it were an arrear of land revenue.

Lien on forest
produce to
such money.

80. (1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer duly empowered in this behalf, and may be retained by him until such amount has been paid.

Power to sell
such produce.

(2) If such amount is not paid when due, such Forest Officer may sell such produce by public auction, and the proceeds of the sale be supplied first in discharging such amount.

(3) The surplus; if any, if not claimed within two months from the date of sale by the person entitled thereto, shall be forfeited to the Government.

Government.
and its
officers not
liable for loss
or damage in
respect of
certain forest
produce.

81. The Government shall not be responsible for any loss or damage which may occur in respect of forest produce while at a revenue station or depot, establishment under section 37, sub-section (2), clause (g), or while detained elsewhere for the purposes of this regulation; and no forest Officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

All persons
bound to aid
in case of
accident at
station or
depot.

82. In case of any accident or emergency involving danger to any property at any such station or depot, every person employed at such station or depot, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police officer demanding

Sections 83-84.

his aid in averting such danger and securing such property from damage or loss.

83. Whenever it appears to the Government that any land is required for any of the purposes of this Regulation, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Regulation, 1894, section 4.

Land required under this Regulation to be deemed to be needed for a public purpose under the Land Acquisition Regulation.

84. When any person, in compliance with any rule under this Regulation, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such as if it were an arrear of land revenue.

Recovery of penalties due under bond.

REGULATION No. I OF 1901.

(PASSED ON THE 6TH DAY OF FEBRUARY 1901.)

**A Regulation to amend the Land Improvement Loans
Regulation, 1890.****Preamble.**

Whereas, by reason of the omission to issue a notification under clause (3) of section 1 of the Land Improvement Loans Regulation, 1890, appointing a date on which the said Regulation should come into force, questions might arise as to the validity of rules and orders already issued and proceedings already taken under the said Regulation ; and whereas it is expedient by legalising the same to set all such questions at rest ; Her Highness the Maharani-Regent is pleased to enact as follows :—

1. For clause (3) of section 1 of the Land Improvement Loans Regulation, 1890, the following shall be deemed to have been substituted at the time of the passing thereof, namely :—

“(3) It shall come into force on the date of the passing thereof ”

REGULATION No. II OF 1901.

(PASSED ON THE 8TH DAY OF APRIL 1901.)

A Regulation to prevent the indiscriminate destruction of Wild Animals and Birds, and to provide for the protection of Game and Fish in Mysore.

Whereas it is expedient to prevent the indiscriminate destruction of wild animals and birds, and to provide generally for the protection of game and fish in Mysore, Her Highness the Maharani-Regent is pleased to enact as follows:—

Preamble.

1. (1) This Regulation may be called the “ Mysore Game and Fish Preservation Regulation, 1901.”

Short Title.

(2) It shall extend to such local areas as may, from time to time, be specified by Government by notification in the *Official Gazette*.

Extent and commencement.

(3) And it shall come into force at the end of six months from the date of its publication in the *Official Gazette*.*

2. In this Regulation, “ Game ” means antelope, ibex, junglesheep, sambhar and all other descriptions of deer, bison, hares, junglefowl, spur-fowl, pea-owl, partridge, grouse, quail, woodcock, bustare, florican, duck and teal and shall include such other animals and birds as the Government of Mysore may, by notification in the *Official Gazette*, declare to be game.

“ Game ” defined.

3. The Government of Mysore may, from time to time, by notification in the *Official Gazette* prohibit absolutely the killing or capture of any specified kinds of animals or birds, the killing or capture of which the Government may consider unsportsmanlike or otherwise inexpedient provided that such animals or birds do not come under the definition of “ Game ” for the time being in force.

Absolute protection of particular classes other than “ Game ”

* Regulation II of 1901 was first published in the *Mysore Gazette* dated 11th April, 1901 (Part III).

Sections 4-6.

Limited
production of
particular
classes killed
for commer-
cial purposes.

4. Whenever the Government of Mysore has reason to believe that any particular kinds of wild animals or birds, whether included in the definition of "Game" or not, are being largely destroyed for the sake of their skins, horns or plumage for commercial or other purposes, it may, by notification in the *Official Gazette*,

(a) prohibit the killing or capture of such particular kinds except under and in accordance with the conditions of a license granted by such officer and in such form as the Government may prescribe in this behalf and

(b) prohibit the killing or capture of such particular kinds either during a defined period of time, or within a defined area, or both.

Regulation of
fishing.

5. (1) The Government of Mysore may, from time to time, by notification in the *Official Gazette*, make rules for the regulation and control of fishing in any stream or lake, and may, from time to time, amend or cancel any rule so made.

(2) Rules under this section may, among other matters, prohibit the poisoning of the water of any stream or lake, and prohibit or regulate the placing or throwing of any explosive or deleterious substance therein, and the use, for the capture of fish, of fixed engines and nets of a mesh below a certain size.

Close season
and protec-
tion of game
and fish.

6. The Government of Mysore may, from time to time, by notification in the *Official Gazette*,

(1) fix a season or seasons in every year during which it shall not be lawful for any person, within any specified local area, to kill or capture, or attempt to kill or capture, game or fish of any specified kind;

(2) prohibit altogether, for any period not exceeding five years, within any specified local area, the killing or capture of game or fish of any specified kind;

(3) prohibit absolutely the killing or capture of the mature females or immature males or females of any specified kinds of game, or the taking out or destruction of the eggs of game birds;

(4) prohibit or regulate the setting of nets, snares, traps, or spring-guns, the laying of poison or poisonous ingredients or preparations, or the digging of pits, to entrap or kill game or any specified kinds of game;

Sections 7-11.

(5) regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by rules to be framed by the Government, the capture and killing of game or of any specified kinds of game; and may, from time to time, amend or cancel such notification.

Provided that no such notification shall have effect until one month from the date of its first publication in the *Official Gazette*.

7. The Government of Mysore may, from time to time, by notification in the *Official Gazette*, make rules regulating the sale of game and fish within any specified local area.

Rules about the sale of game and fish

8. Any person who wilfully kills, captures or sells, or attempts to kill, capture or sell, any animal, bird, game or fish or does any other act, in contravention of this Regulation, or of any rules or notification under this Regulation in contravention of any condition contained in a license granted under this Regulation or under the rules made thereunder, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for certain offence.

9. When any person is convicted of an offence punishable under this Regulation, the convicting Court or Magistrate may direct that the whole or any portion of any animal, bird, game or fish, killed or captured by such person and of all weapons, implements and dogs used in and for the purpose of aiding the commission of such offence, shall be confiscated, and any license granted under this Regulation to such person may be cancelled by the officer who granted such license.

Disposal of killed or captured game or fish, or weapons, etc., belonging to offender convicted under section 8.

10. Subject to such rules as the Government of Mysore may, from time to time prescribe, all fees, fines levied and sums realized by the sale of property confiscated under this Regulation, shall be paid into the public treasury. But the convicting Court or Magistrate may award to any person or persons on whose information the conviction was obtained, the whole or any portion of any fine imposed or of any sum realized as aforesaid.

Fees, fines, etc., realized under Regulation, rewards to informants.

11. Any Forest Officer and any other officer or person empowered, in this behalf, by the Government of Mysore or by a subordinate Revenue authority to which the Government may have delegated its authority for the purpose may arrest, without a warrant, any person who

Power to Forest and other Officers to make arrests of offenders under this Regulation.

Section 12.

commits in his view any offence punishable under this Regulation or the rules thereunder, and who, on demand, refuses to give his name and address which there is reason to believe is false.

Exception

12. Nothing in this Regulation shall be deemed to prevent any owner or occupier of land from killing, capturing or pursuing game, doing damage to any crop growing thereon so far as the same may be necessary for the protection of the crop.

REGULATION No. III OF 1901.

(PASSED ON THE 12TH DAY OF MAY 1901.)

A Regulation to further amend the Mysore Civil Courts Regulation, I of 1883.

Whereas it is expedient to provide for Subordinate Judges being invested, when deemed necessary, with jurisdiction without any limit as to amount or value of the subject-matter in original suits and proceedings of a civil nature, not otherwise exempted from their cognizance, and with power to entertain appeals direct from the decrees and orders of Munsiffs; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. To the proviso to section 9 of the Mysore Civil Courts Regulation, 1883, as amended by the Regulations V of 1892, VI of 1894, and II of 1898, the following words shall be added, namely:—

Preamble.
Addition to
proviso to
section 9 of
Regulation I
of 1883.

“or invest any subordinate Judge with jurisdiction without any limit as to amount or value of the subject-matter.”

2. To section 14 of the said Regulation, the following words shall be added, namely:—

Addition to
section 14 of
the said
Regulation.

“And provided further that, notwithstanding anything contained in section 14 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, the Government may, from time to time, by notification in the Official Gazette, direct that appeals from the decrees and orders of a Munsiff or Munsiffs within an area to be specified in such notification, shall lie direct to any such Subordinate Judge.”

REGULATION No. IV OF 1901.

(PASSED ON THE 12TH DAY OF MAY 1901.)

A Regulation to further amend the Mysore Military Regulation, 1899, as amended by Regulation No. V of 1900.

Preamble.

Whereas it is expedient to further amend the Mysore Military Regulation, 1899, as amended by Regulation V of 1900; Her Highness the Maharani-Regent is pleased to enact as follows:—

Addition to
paragraph 11
of Regulation
II of 1899.

1. Paragraph 11 of the said Regulation, after the figure and word "6 strokes of a cane," the words "fines exceeding a day's pay for each offence" shall be added.

THE MYSORE EXCISE REGULATION, 1901.

*(As amended by Regulations IV of 1902, V of 1904,
V of 1906, VIII of 1913, V of 1920, III of 1923.)*

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REGULATION No. V of 1901.

(PASSED ON THE 5TH DAY OF AUGUST 1901.)

**A Regulation to consolidate and amend the Excise
Law of Mysore.***(As amended by Regulations IV of 1902, V of 1904, V of 1906, VIII of 1913, V of 1920, III of 1923.)***Preamble.**

Whereas it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

I.—PRELIMINARY AND DEFINITIONS.**Short title.**

1. This Regulation may be cited as “The Mysore Excise Regulation, 1901.”

Extent.

It extends to the whole of Mysore,

Commencement.

And it shall come into force from such date * as the Government by notification shall direct.

Repeal.

2. From the date on which this Regulation comes into force, the Excise Act, 1881, as amended by Act II of 1875 and extended to Mysore by Regulation III of 1885, shall be repealed.

Provided that all licenses and leases granted under the said enactment in force on the date on which this Regulation comes into force in Mysore shall continue in force for the periods for which the same have been respectively granted, subject to the provisions of that enactment:—

Provided further that the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Regulation comes into force.

Interpretation.

3. In this Regulation, unless there be something repugnant in the subject or context—

“Excise revenue.”

(1) “Excise revenue” means revenue derived or derivable from any duty, fee, tax, rent, fine or confiscation imposed or ordered under the provisions of this Regulation or of any other law for the time being in force relating to liquor or intoxicating drugs.

* Regulation No. V. of 1901 came into force on the 15th September 1901.
See Notification No. 2805—Legis. 9 dated the 6th August 1901.

Section 3.

(2) "Excise officer" means the Excise Commissioner, a Deputy Commissioner, or any officer or other person lawfully appointed or invested with powers under section 4 or 5. "Excise officer."

(3) "Excise Commissioner" means the officer appointed by the Government under section 4, clause (a). "Excise Commissioner."

(4) "Deputy Commissioner" means a Deputy Commissioner of a District, or any person appointed under section 4, clause (b), to exercise all the powers or to perform all the duties of a Deputy Commissioner under this Regulation. "Deputy Commissioner."

(5) "Excise Inspector" means an officer appointed under section 4, clause (d). "Excise Inspector."

(6) "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code. "Imprisonment."

(7) "Toddy" means fermented or unfermented juice drawn from a cocoanut, palmyra, date, bagani (bastard sago) or any other kind of palm tree. "Toddy."

(8) "Spirits" means any liquor containing alcohol and obtained by distillation (a) whether it is denatured or not. "Spirits."

[a] (8A) Denatured means subjected to a process prescribed by the Government by notification in the *Official Gazette* for the purpose of rendering unfit for human consumption. [a]

(9) "Liquor" includes spirits of wine, methilated spirits, spirits, wine, toddy, beer and all liquid consisting of or containing alcohol. "Liquor."

(10) "Beer" includes ale, stout, porter, and all other fermented liquors usually made from malt. "Beer."

(11) "Country liquor" means liquor manufactured in Mysore or in any part of India, Batavia, Ceylon [a] or any other country which may be specified in the rules framed by Government from time to time in this behalf. [a] "Country liquor."

(12) "Foreign liquor includes all liquor other than country liquor. "Foreign liquor."

Provided that in any case in which doubt may arise, the Government may declare by notification what for the purposes of this Regulation shall be deemed to be "country liquor" and what "foreign liquor."

Section 3.

[b] (12A) "Hemp drugs" includes ganja, bhang and every preparation and admixture of the same and every intoxicating drink or substance prepared from any part of the hemp plant (*cannabis sativa* or *indica*).

(12B) "Cocaine" means the principal alkaloid of *Erythroxylon coca*, having the chemical formula C 17 H 21 No. 4 and includes :--

(i) all parts of the coca plant,
 (ii) all new derivatives of cocaine or of its salts which may be shown by scientific research generally recognized to be liable to similar abuse and productive of like ill-effects,

(iii) eucaine and every other preparation, synthetic or otherwise, which has a physiological effect similar to that of cocaine or which is declared by the Government to be included in the meaning of the term cocaine,

(iv) all preparations (official or non-official, including the so-called anti-opium remedies) containing cocaine or eucaine or such derivatives, salts, or preparations as above. [b]

"Intoxicating drug."

(13) [b] "Intoxicating drug" includes hemp drugs, cocaine and every intoxicating drink or substance prepared from grain or from other materials and not included in the term "Liquor." but does not include opium or anything included within the meaning of that word as defined in the Indian Opium Act, 1878. [b]

"Sale" or "selling."

(14) "Sale" or "selling" includes any transfer otherwise than by way of gift.

"Import."

(15) "Import" means to bring into Mysore from any place beyond the limits of Mysore.

"Export."

(16) "Export" means to take out of Mysore to any place beyond the limits of Mysore.

"Transport."

(17) "Transport" means to move from one place to another within Mysore whether the intervening area lie wholly within Mysore or not.

[a] (17A) "Cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed. [a]

"Manufacture."

(18) "Manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is

[b] Substituted for the original by Regulation III of 1923.

[a] New section (17A) was added by Regulation V of 1920.

Section 4.

produced or prepared, and also re-distillation and every process for the rectification of liquor.

[a] (18A) "Bottle" means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes to rebottling. [a]

(19) "Rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith.

(20) "Place" includes also a house, building, shop, tent and vessel.

[a] (21) 'Police station' includes any place which the Government may, by notification, declare to be a police station for the purposes of this regulation. [a]

"Rectification."

"Place."

II.—ESTABLISHMENT AND CONTROL.

4. The Government may, from time to time, by notification—

(a) appoint an officer, who shall exercise all the powers of a Deputy Commissioner in respect of the Excise revenue and who shall have the control of the administration of the Excise Department and of the collection of the Excise revenue;

Government may appoint Excise Officer to control administration of Excise Department;

(b) appoint any person other than the Deputy Commissioner of a district to exercise all or any of the powers and to perform all or any of the duties of a Deputy Commissioner in respect of the Excise revenue, either concurrently with or in exclusion of the Deputy Commissioner of a district, subject to such control as the Government may from time to time direct;

may appoint special officers of Excise revenue;

(c) withdraw from the Deputy Commissioner of a district any or all of his powers in respect of the Excise revenue;

may withdraw excise powers from Deputy Commissioners of districts;

(d) appoint officers to perform the acts and duties mentioned in sections 40 to 53 inclusive of this Regulation;

may appoint officers to take action under sections 40 to 53;

(e) appoint subordinate officers of such classes and with such designations, powers, and duties under this Regulation as the Government may think fit;

may appoint subordinate officers;

Sections 5-7.

may appoint
any officer or
other person
to act as
above ;

and may
delegate any
of its powers
to Excise
Officer.
Rules for
guidance of
Excise
Officers.

(f) order that all or any of the powers and duties assigned to any officers under clauses (d) and (e) of this section shall be exercised and performed by any officer or any person ;

(g) delegate to any Excise Officer all or any of its powers under this Regulation.

5. The Government may, from time to time, make rules—

(1) prescribing the powers and duties under this Regulation to be exercised and performed by Excise Officers of the several classes ; and

(2) regulating the delegation by the Excise Commissioner, or by Deputy Commissioners of any powers conferred by this Regulation or exercised in respect of Excise revenue under any Regulation for the time being in force.

Power of
Government
to authorise
officers to
admit persons
arrested to
bail.

[a] 5A. The Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 34, either by name or in virtue of their office, throughout Mysore or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before an Excise Officer having jurisdiction to enquire into the offence for which such person has been arrested, and may cancel or vary such notification. [a]

III.—IMPORT, EXPORT AND TRANSPORT.

“Import of
liquor or
intoxicating
drug.”

[b] 6. No liquor or intoxicating drug shall be imported into Mysore except with the permission of the Deputy Commissioner who, subject to the orders of Government, may, from time to time, permit the import of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any to which the same is liable under the Regulation, and on such other terms as he thinks fit, and may cancel such permission.

“Export of
liquor or
intoxicating
drug.”

7. No liquor or intoxicating drug shall be exported from Mysore except with the permission of the Deputy

[a-a] This new section 5(a) after section 5 was inserted by Regulation V of 1908.
[b-b] Sections 6 and 7 were substituted for the original ones by Regulation V of 1904.

Sections 8-11.

Commissioner who, subject to the orders of Government, may, from time to time, permit the export of liquor or intoxicating drugs or of any kind of liquor or intoxicating drugs on payment of the duty, if any, to which the same is liable under this Regulation, and on such other terms as he thinks fit, and may cancel such permission.(b)

8. Nothing in the last two preceding sections shall be deemed to affect any law for the time being in force which empowers the Government to prohibit or restrict the importation of liquor or of intoxicating drugs or which empowers the Government to exempt any liquor or intoxicating drug from the whole or any part of the duties to which it is liable under any law for the time being in force.

Sections 6 and 7 not to affect certain laws and powers of Government.

9. The Government may, from time to time, by notification, prohibit the transport of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, from any local area into any other local area.

Prohibition of transport of liquor.

10. No liquor or intoxicating drug exceeding such quantity as the Government may, from time to time, prescribe by notification, either generally for the whole of Mysore or for any local area, shall be transported except under a permit issued under the provisions of the next following section.

Transport of liquor intoxicating drug.

Provided that, in the case of foreign liquor transported for *bona fide* private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Regulation, such permits shall be dispensed with unless the Government shall, by notification, otherwise direct with respect to any local area.

11. Permits for the transport of liquor or intoxicating drugs may be issued by the Deputy Commissioner or by any person duly empowered in that behalf.

Permits for transport.

Such permits shall be either general for definite periods and kinds of liquor or intoxicating drugs or special for specified occasion and particular consignment only.

Every permit shall specify—

(a) the name of the person authorized to transport liquor or intoxicating drugs;

(b) the period for which the permit is to be in force;

Section 12.

(c) the quantity and description of liquor or intoxicating drugs for which it is granted;

(d) any other particulars which the Government may prescribe.

General permits shall be granted only to persons licensed under this Regulation and shall cover any quantity of liquor transported at any one time within the quantity specified in the permit.

Permit shall extend to and include servants and other persons employed by the grantees and acting on their behalf.

IV.—MANUFACTURE, POSSESSION AND SALE.

Manufacture of liquor or intoxicating drug prohibited except under provisions of this Regulation.

12. No liquor or intoxicating drug shall be manufactured; no hemp plant (*Cannbis Salva* or *Indica*) [a] or coca plant (*Erythroxylum coca*) [a] shall be cultivated;

no toddy-producing tree shall be tapped;

no toddy shall be drawn from any tree;

[a] no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected; [a]

no distillery or brewery shall be constructed or worked;

[a] no liquor shall be bottled for sale; and (a) no person shall use, keep, or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any liquor other than toddy or any intoxicating drug except under the authority and subject to the terms and conditions of a license granted by the Deputy Commissioner in that behalf, or under the provisions of section 21.

Provided that the Government, may, by notification, direct that in any local area it shall not be necessary to take out a license for the manufacture of liquor for *bona fide* home consumption.

Licenses granted under this section shall extend to and include servants and other persons employed by the licensees and acting on their behalf.

Sections 13-14

13. No person not being a licensed manufacturer or vendor of liquor or intoxicating drugs shall have in his possession any quantity of liquor or intoxicating drugs in excess of such quantities as the Government may, from time to time, prescribe by notification, either generally* or specially with regard to persons, places or time* in respect of any specified description or kind of liquor or intoxicating drug, unless under a license granted by the Deputy Commissioner in that behalf.

Possession of liquor or intoxicating drugs in excess of quantity prescribed by Government prohibited.

Provided that—

(1) No fee shall be charged for any such license granted for the possession of such liquor or intoxicating drugs for *bona fide* private consumption or use;

No fee to be charged for license for possession for private consumption.

(2) Nothing in this section extends to any foreign liquor [b] other than denatured spirit (b) in the possession of any warehouseman as such, or (a) of (a) any person for his *bona fide* private consumption and not for sale.

Proviso as regards foreign liquor.

[b] 13A. Government may, by notification, prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe. [b]

Prohibition of possession of any liquor or intoxicating drug.

14. The Excise Commissioner may with the previous sanction of the Government—

Establishment of public distilleries and of warehouses.

(a) establish a public distillery in which liquor or any kind of liquor may be manufactured under a license granted under section 12 on such conditions as the Government deems fit to impose;

(b) discontinue any public distillery so established;

(c) license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty;

(d) establish a public warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty; and

(e) discontinue any public warehouse so established.

(a) Substituted for the words 'purchased by' by Regulation V of 1920.

(b) New section 13A. was added by Regulation V of 1920.

**Substituted by Regulation V of 1920.

Sections 15-16.

Public warehouses shall be for the general accommodation of persons desiring to warehouse liquor or intoxicating drugs subject to duty pending removal for local consumption or for export.

Sale of liquor
or intoxicating drug
without
license
prohibited.
Power to
exempt toddy.

15. No liquor or intoxicating drug shall be sold without a license from the Deputy Commissioner, provided that a person having the right to the toddy drawn from any tree may sell the same without a license to a person licensed to manufacture or sell toddy under this Regulation, and a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Regulation to sell, manufacture or export intoxicating drugs [a] or to any officer whom the Excise Commissioner may generally or specially authorise [a]

[b] Provided also that a license for sale in more than one district shall be granted by the Excise Commissioner. [b]

Provided further that the Government may [c] by notification [c] declare that any or all of the provisions of this Regulation shall not apply in any local area to trees tapped, or to toddy drawn [c] under such conditions as the Excise Commissioner may prescribe. [c]

[a] Nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and shall by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease. [a]

Exclusive
privileges of
manufacture,
etc., may be
granted.

16. It shall be lawful for the government to grant to any person or persons on such conditions and for such period as may seem fit the exclusive or other privilege—

- (1) of manufacturing or supplying by wholesale, or
- (2) of selling by retail, or
- (3) of manufacturing or supplying by wholesale and selling by retail, any country liquor or intoxicating drugs within any local area.

[a] Added by Regulation V of 1920.

[b] This new proviso was substituted for the original Regulation V of 1920.

[c] Substituted for the original by Regulation V of 1920.

Sections 17-18.

No grantee of any privilege under this section shall exercise the same until he has received a license in that behalf from the Deputy Commissioner.

In such cases, if the Government shall, by notification, so direct, the provisions of section 12 relating to toddy and toddy-producing tress shall not apply.

V.—DUTIES.

17. A duty shall, if the Government so direct, be levied on all liquor and intoxicating drugs—

Duty on
liquor or
intoxicating
drugs.

- (a) permitted to be imported under section 6; or
- (b) permitted to be exported under section 7; or
- (c) manufactured under any license granted under section 12; or
- (d) manufactured at any distillery established under section 14; or
- (e) permitted under section 11 to be transported; or
- [a] (ee) issued from a distillery on warehouse licensed or established under section 12 or section 14; or [a]
- (f) sold in any part of Mysore;

of such amount as the Government may, from time to time, prescribe.*

18. Such duty may be levied in one or more of the following ways:—

How duty
may be
imposed.

(a) by duty of excise to be charged in the case of spirits or beer either on the quantity produced in or passed out of [a] a distillery, brewery or warehouse licensed or established under section 12 or sec 14 [a] as the case may be; or in accordance with such scale of equivalents, calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Government may prescribe;

(b) in the case of intoxicating drugs, by a duty to be rateably charged on the quantity produced or manufactured or sold by wholesale [a] or issued from a warehouse licensed or established under section 14; [a]

(c) by payment of a sum in consideration of the grant of any exclusive or other privilege—

(1) of manufacturing or supplying by wholesale, or

* The proviso to this section was omitted by Regulation V of 1920.
[a-a] Substituted by Regulation V of 1920.

Sections 19-20.

- (2) of selling by retail, or
- (3) of manufacturing or supplying by wholesale and selling by retail any country liquor or intoxicating drug in any local area and for any specified period of time ;

(d) by fees on licenses for manufacture or sale ;

(e) in the case of toddy, or spirits manufactured from toddy, by a tax on each tree from which toddy is drawn, to be paid in such instalments and for such period as the Government may direct ; or

(f) by [a] import, export or [a] transport-duties assessed in such manner as the Government may direct.

[b] Provided that when there is a difference of duty as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period. [b]

Tax for
tapping trees,
from whom
leviable.

19. When duty is levied by way of tax on toddy trees under section 18, the Government may by notification direct that the license required under section 12 shall be granted only on the production by the person applying for it of the written consent of the owner, or person in possession, of such trees to the license being granted to such person so applying for it ; and when such notification has been issued, such tax shall, in default of payment by the licensee, be recoverable from the owner or other person in possession who has so consented.

When, in like case, trees are tapped without license, the tax due shall be recoverable primarily from the tapper or in default by him from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees, unless he proves that the trees were tapped without his consent.

20. All or any of the duties leviable under this Regulation in any local area may, with the sanction of the Government, be farmed, subject to such payment and on such other conditions as the Government shall prescribe. Farmers of duties under this section shall take out licenses as such from the Deputy Commissioner.

[a] Substituted for the original by Regulation V of 1920.

[b] Added by Regulation V of 1920.

Sections 21-25.

21. When the exclusive privilege of manufacturing toddy has been granted under section 16, the Government may declare that the written permission of the grantee to draw toddy shall have, within the area to which the privilege extends, the same force and effect as a license from the Deputy Commissioner for that purpose under section 12.

Toddy farmer
may grant
license

22. In the absence of any contract or condition to the contrary, any grantee of any exclusive or other privilege may let or assign the whole or any portion of his privilege or farm. But no such lessee or assignee shall exercise any rights as such unless and until the grantee or farmer, as the case may be, shall have applied to the Deputy Commissioner for a license to be given to such lessee or assignee, shall have received the same.

Farmer may
let or assign.

23. It shall be lawful for any such grantee, farmer, lessee or assignee, as aforesaid to proceed against any person holding under him for the recovery of any money due to him as if it were an arrear of rent recoverable under the law for the time being in force with regard to landholder and tenant.

Recovery by
farmer of
rents due to
him.

Provided that nothing contained in this section shall affect the right of any such grantee, farmer, lessee or assignee, to recover by civil suit any such amount due to him from any such person as aforesaid.

VI.--LICENSES, ETC.

24. Every license or permit granted under this Regulation shall be granted—

Form and
conditions of
licenses, &c.

- (a) on payment of such fees, if any;
- (b) for such period;
- (c) subject to such restrictions and on such conditions; and
- (d) shall be in such form and contain such particulars

as the Government may direct either generally, or in any particular instance in this behalf.

25. Every person taking out a license under this Regulation may be required to execute a counterpart agreement in conformity with the tenor of his license, and to give such security for the performance of his agreement as the Deputy Commissioner may require.

Counterpart
agreement to
be executed
by licenses.

Sections 26-28.

Power to
recall licenses
&c.

26. The Deputy Commissioner may cancel or suspend any license or permit granted under this Regulation,—

(a) if any fee or duty payable by the holder thereof be not duly paid; or

(b) in the event of any breach by the holder of such license or permit, or by his servants, or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such license or permit; or

(c) if the holder thereof is convicted of any offence against this Regulation or any other law for the time being in force relating to Excise revenue, or of any cognizable and non-bailable offence; or [a] of any offence under the merchandise marks Regulation, 1892 or under sections 478 and 489 I. P. C. 1860; [a]

(d) where a license or permit has been granted on the application of the holder of an exclusive or other privilege or of a farmer of duties under this Regulation, on the requisition in writing of such person; or

(e) if the conditions of the license or permit provide for such cancelment or suspension, at will.

VII.—GENERAL PROVISIONS.

Certain
licenses
required to
keep instru-
ments for
testing, &c.

27. [b] Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(a) to supply himself with such measures weights and instruments as Government may prescribe and to keep the same in good condition; and

(b) on the requisition of any Excise officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise officer may require. [b]

Recovery of
duties &c.

28. All duties, taxes, fines and fees payable to the Government direct under any of the provisions of this Regulation or of any license or permit issued under it, and all amounts due to the Government by any grantee of a privilege or by any farmer under this Regulation or by

[a] Inserted by Regulation V of 1920.

[b-b] This new section was substituted for the original by Regulation V of 1920.

Section 29

any person on account of any contract relating to the Excise revenue, may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of land-revenue, and in the case of default made by a grantee of a privilege or by a farmer, the Deputy Commissioner may take the grant or farm under management at the risk of the defaulter or may declare the grant or farm forfeited and re-sell it at the risk and loss of the defaulter. When a grant or farm is under management under this section, the Deputy Commissioner may recover any moneys due to the defaulter by any lessee or assignee as if they were arrears of land-revenue.

***29 (1)** Government may make rules for the purpose of carrying out the provisions of this Regulation. Power to
frame rules

(2) In particular and without prejudice to the generality of the foregoing provision, Government may make rules,—

(a) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggory ;

(b) for determining the number of licenses of each description to be granted in any district or place ;

(c) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery ;

(d) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith ;

(e) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs ;

(f) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs ;

(g) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale ;

* This new section was substituted for the original by Regulation V of 1920.

Section 29.

(*h*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export ;

(*i*) for the inspection and supervision of stills, distilleries, private warehouses and breweries ;

(*j*) for the management of any public distillery or public warehouse established under section 14 ;

(*k*) for regulating the cultivation of hemp and coca plants checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants ;

(*l*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation ;

(*m*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug ;

(*n*) for grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a Magistrate with offences under this Regulation and acquitted ;

(*o*) declaring the process by which spirit manufactured in or imported into the State shall be denatured ;

(*p*) for causing such spirit to be denatured through the agency or under the supervision of the Excise officers ;

(*q*) for ascertaining whether such spirit has been denatured ;

(*r*) regulating the power of Excise officers to summon witnesses from a distance under section 44 ;

(*s*) regulating the bottling of liquor for purposes of sale ;

(*t*) for the disposal of articles confiscated and of the proceeds thereof ;

Sections 30-31.

(u) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

VIII.—POWERS AND DUTIES OF OFFICERS, ETC.

30. If any Magistrate upon information given by any Excise or Police officer or any other person, and after such inquiry as he thinks necessary, has reason to believe that an offence under section 55 or section 57 or section 58 of this Regulation has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed.

Magistrate may issue search warrant on application.

Before issuing such warrant, the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Magistrate.

31. Whenever the Excise Commissioner, or a Deputy Commissioner, or † any Police officer not below the rank of an officer in charge of a police station or any Excise officer of a rank not below that to be specified from time to time by Government by a notification in the *Official Gazette*† has reason to believe that an offence under section 55 or section 58 of this Regulation has been committed and that the delay occasioned by obtaining a search warrant under the preceding section will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Regulation; and may detain and search and, if he think proper arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Regulation.

Power to certain Excise and Police officers to search houses, etc., without warrant.

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if

(† †) Substituted by Regulation V of 1920.

Sections 32-34.

sufficient bail be tendered for his appearance either before a Magistrate or before an Excise Inspector as the case may be.

Power to enter and inspect places of manufacture and sale.

32. The Excise Commissioner, or a Deputy Commissioner or any Excise officer not below the rank of Sub-Inspector, or any Police officer duly empowered in that behalf, may enter and inspect, at any time by day or by night, any place in which any licensed manufacturer carries on the manufacture of any liquor or intoxicating drug, or draws toddy, or stores any liquor or intoxicating drug or toddy; and may enter and inspect, at any time during which the same may be open, any place in which any liquor or intoxicating drug is kept for sale by any licensed person; and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, liquor, or intoxicating drugs found in such place.

In case of resistance, entry may be made by force, &c.

33. If any officer empowered to make an entry under the provisions of the last two preceding sections cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacle to his entry into any such place.

Offenders may be arrested, and contraband liquor and articles seized without warrant.

34. Any officer of the Excise, Police, Forest, Land Revenue, Sayer or Octroi Departments, and any other person duly empowered, may arrest without warrant in any public thoroughfare or open place other than a dwelling house any person found committing an offence punishable under section 55 or section 57 or section 58 of this Regulation; and in any such thoroughfare or place may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Regulation or any other such law; and may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other such article to be, or to be cancelled.

Procedure in case of person arresting not being empowered under section 5-A.

“(a) Provided that if the officer or person making the arrest under this section be not empowered under section 5-A to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered if there be such an officer within a distance of five miles from the place where such arrest took place.”

“And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail

Sections 35-40.

be tendered for his appearance before an Excise Officer having jurisdiction to enquire into the case." (a)

35. Any person, who may be accused or reasonably suspected of committing an offence under this Regulation, and who on demand of any officer of the Excise, Police, Forest, Land Revenue, Sayer or Octroi Departments or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Arrest of persons refusing to give name or giving false name.

36. All searches under the provisions of this Regulation shall be made in accordance with the provisions of the Code of Criminal Procedure.

Searches how to be made.

37. All officers of the Departments of Police, Forest, Land Revenue, Sayer and Octroi shall be legally bound to assist any Excise officer in carrying out the provisions of this Regulation.

Officers of certain Departments bound to assist.

38. Every officer employed by the Government, other than an Excise officer, shall be bound to give immediate information to an Excise officer, and every Excise officer shall be bound to give immediate information either to his immediate official superior or to an Excise Inspector, of all breaches of any of the provisions of this Regulation which may come to his knowledge; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe or about or likely to be committed.

Offences to be reported etc.

39. All inamdars, kayamguttadars, proprietors, tenants, under-tenants and cultivators who own or hold land on which there shall be any manufacture of liquor or intoxicating drugs not licensed under this Regulation shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Excise, Police, Forest, Land Revenue, Sayer or Octroi Departments immediately the same shall have come to their knowledge.

Landholders and others to give information.

40. (1) When any person is arrested under the provisions of section 31 or section 34 or section 35 of this Regulation, the person arresting him shall, unless bail shall have been accepted under the provisions of section

Persons arrested how to be dealt with.

Sections 41-42.

31 or of section 34* forthwith forward him to an Excise Inspector, or, if there be no such officer within a distance of ten miles from the place at which such arrest took place, to the nearest Police station, with a report of the circumstances under which such arrest was made.

Procedure by
Police Station
officer.

(2) On any such person being brought to a Police Station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned before the Excise officer as aforesaid within the limits of whose jurisdiction the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure by
Excise officer
empowered to
inquire.

(3) On any such person being brought in custody before such Excise officer as aforesaid or appearing before him on bail, *or when such Excise officer as aforesaid has himself made the arrest* such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before the Magistrate having jurisdiction to try the case.

Power of Ex-
cise officer to
admit persons
to bail to
appear before
himself or
other officer
having juris-
diction.

[a] Provided that if such enquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such Excise officer, the said officer shall, if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Excise officer having jurisdiction to enquire into the case. [a]

Persons
arrested to be
admitted to
bail.

41. It shall be the duty of any officer arresting any person under the powers given by section 31 of this Regulation and of any Police station officer or Excise officer before whom a person arrested is brought or appears under the provisions of section 40, to release such person on bail if sufficient bail be tendered for his appearance before an Excise Inspector or before a Magistrate as the case may be.

Bond of
accused and
sureties.

42. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms

[*—*] Inserted by regulation V of 1906.

[a—a] This proviso to section 40 was added by Regulation V of 1906.

Sections 43-47.

of the bond and shall continue to attend until otherwise directed by the Excise Inspector before whom he was bailed to attend, or by the Magistrate, as the case may be.

Provided that the officer admitting any such person to bail may at his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

The Government shall from time to time determine the form of the bond to be used in any local area.

43. When by reason of default of appearance of a person bailed to appear before an Excise Inspector, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Procedure in case of default of person admitted to bail to appear before Excise Inspector.

44. Any Excise officer holding an inquiry in the manner provided in section 40 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control.

Excise officers may summon witnesses.

Provided that no such Excise officer shall summon any person to appear at a greater distance from the usual place of residence of such person than the Government may from time to time by rule direct.

45. Every summons issued under the last preceding section shall state whether the person summoned is required to give evidence or to produce a document, or both and shall require him to appear before the said officer at a stated time and place.

Terms of summons.

46. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced into writing and shall be signed by such officer.

Examination of witnesses by Excise Inspectors.

47. It shall be lawful for an Excise Inspector, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or

When attendance of witnesses to be dispensed with, and procedure in such cases.

Sections 48-51.

whom by reason of rank or sex it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 46 shall apply to such answers.

Excise
Inspector
may summon
persons
suspected of
offences
against Excise
laws.

48. Any Excise Inspector may, after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Regulation. On such person appearing before such officer, the procedure prescribed by sections 40 to 47 inclusive of the Regulation shall become applicable. (a) The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected. [a]

Law relating
to Criminal
Courts as to
summoning
of witnesses
to apply.

49. The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts shall, so far as the same may be applicable, apply to any summons issued by an Excise Inspector and to any person summoned by him to appear under the provisions of this Regulation.

Report of
Excise
Inspector
gives jurisdic-
tion to
competent
Magistrate.

50. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure.

Powers of
Excise
Inspector to
cause attend-
ance of
witnesses
before
Magistrate.

51. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code

Sections 52-55.

of Criminal Procedure on an officer in charge of a Police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

52. No person accused or suspected of having committed an offence under this Regulation shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where an Excise Inspector may be, and from thence to the Court having jurisdiction to try the case.

Accused not to be detained in custody for longer period than twenty-four hours without special authority.

53. All officers in charge of Police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of an Excise Inspector all articles seized under this Regulation which may be delivered to them; and shall allow any Excise officer who may accompany such articles to the Police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the Police station.

Police to take charge of articles seized

54. It shall be lawful for the Magistrate of the district by notice in writing to the licensee to require that any shop in which liquor or any intoxicating drug is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace.

Closing of shop for the sake of public peace.

If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any Magistrate, or for any Police officer who is present, to require such shop to be kept closed for such period as may be necessary.

IX.—PENALTIES.

55. Whoever, in contravention of this Regulation, or of any rule or order made under this Regulation, or of any license or permit obtained under this Regulation --

For illegal import, etc.

(a) imports, exports, transports or possesses liquor or any intoxicating drug; or

Sections 55-55A.

(b) manufactures liquor or any intoxicating drug ;

or

*(c) cultivates, or fails to take the measures prescribed for checking the spontaneous growth or for the extirpation of, the hemp plant (*cannabis sativa* or *Indica*).” (b) or the Coca plant (*Erythroxylum Coca*) or collects any portion of such plants from which an intoxicating drug can be manufactured ; or (b)

(d) taps any toddy-producing tree ; or

(e) draws toddy from any tree ; or

(f) constructs or works any distillery or brewery ; or

(g) uses, keeps, or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor other than toddy or any intoxicating drug ; or

(gg) bottles any liquor for purposes of sale ; or (b)

(h) sells liquor or any intoxicating drug ;

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Provided that where the offence relates to the import or manufacture of liquor or any intoxicating drug, the fine, if any, inflicted shall not be less than double the amount of duty leviable on such liquor or intoxicating drug.

For rendering
or attempting
to render
denatured
spirit fit for
human consumption.

(†) 55A. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section, it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit. (†)

[*—*] Substituted for the original by Regulation IV of 1902.

[b--b] Added by Regulation V of 1920.

†† New Section 55A was inserted by Regulation V of 1920,

Section 56-57.

56. Whoever, being the holder of a license or permit granted under this Regulation (b) or being in the employ of such holder and acting on his behalf (b).

For miscon-
duct by
license, etc.

(a) fails to produce such license or permit on the demand of any Excise officer or of any other officer duly empowered to make such demand ; or

(b) (c) wilfully does, or omits to do any thing (c) in breach of any of the conditions of his license or permit not otherwise provided for in this Regulation ; or

(c) wilfully contravenes any rule made under section 29 of this Regulation ; or

(d) permits drunkenness, riot or gaming in any place in which any liquor or intoxicating drug is sold or manufactured ; or

(e) permits persons of notoriously bad character to meet or remain in any such place ;
shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to two hundred rupees, or with imprisonment which may extend to three months, or with both.

57. Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Regulation (a) or a person in the employ of such holder (a) : —

For adultera-
tion, etc., by
licensed
vendor or
manufacturer

(a) mixes or permits to be mixed with the liquor or intoxicating drug sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under section 29, clause (k), when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code ; or

(b) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be country liquor ; or

(c) marks the cork of any bottle or any bottle, case, package or other receptacle containing country liquor, or uses any bottle, case, package or other receptacle containing country liquor, with any mark thereon or on the cork thereof with the intention of causing it to be believed that

[c—c] Substituted for the original by Regulation V of 1920,
[a—a] Inserted by Regulation VIII of 1918.
[b—b] Substituted by Regulation V of 1920.

Sections 58-60.

such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of using a false trade-mark with intent to deceive or injure any person under section 482 of the Indian Penal Code; or

(d) sells or keeps or exposes for sale any country liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trade-mark under section 486 of the Indian Penal Code;

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

For possession
of illicit liquor
or drug.

58. Whoever without lawful authority has in his possession any quantity of liquor or of any intoxicating drug knowing the same to have been unlawfully imported, transported or manufactured, or knowing the prescribed duty not to have been paid therefor, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Provided that the fine, if any, inflicted shall not be less than double the amount of duty leviable on such liquor or drug.

For vexatious
search or
arrest.

59. Any Excise officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched; any closed place;

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Regulation;

or vexatiously and unnecessarily detains, searches, or arrests any person;

or in any other way vexatiously exceeds his lawful powers; shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

For vexatious
delay.

60. Any officer or person exercising powers under this Regulation who vexatiously and unnecessarily delays

Sections 61-64.

forwarding to an Excise Inspector or to the officer in charge of the nearest Police station, as required by section 40 of this Regulation, any person arrested, or any articles seized under this Regulation, shall, on conviction before a Magistrate, be punished with fine which may extend to two hundred rupees.

61. Any officer or person who unlawfully releases or abets the escape of any person arrested under this Regulation or abets the commission of any offence against this Regulation, or acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Regulation may be evaded or broken, or the Excise revenue may be defrauded;

For abetment of escape of persons arrested, etc.

and any officer of any other Department referred to in section 37, who abets the commission of any offence against this Regulation in any place, shall, on conviction before a Magistrate, for every such offence, be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

62. *Omitted by Regulation V of 1920.*

63. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Regulation, or of any rule or order made under this Regulation, and not otherwise provided for in this Regulation, shall, on conviction before a Magistrate, be punished for each such act or omission with fine which may extend to two hundred rupees.

For offences not otherwise provided for.

64. In prosecutions under section 55, it shall be presumed until the contrary is proved, that the accused person has committed an offence under that section in respect of any liquor or intoxicating drug, or any still, utensil, implement, or apparatus whatsoever for the manufacture of liquor other than toddy or of any intoxicating drug or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drug, for the possession of which he is unable to account satisfactorily; *or, as the case may be, in respect of any hemp

Presumption as to commission of offence in certain cases.

[*—*] These words were added by Regulation IV of 1902.

Sections 65-66.

plant found growing upon land in his possession or under his charge, and for the existence of which thereon he is unable to account satisfactorily*;

and the holder of a license or permit under this Regulation shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf under section 55 or section 56 or section 57 or section 58, as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

What things
liable to
confiscation.

65. In any case in which an offence has been committed under this Regulation, the liquor, drug, materials, still, utensil, implement, or apparatus in respect of (a) or by means of (a) which an offence has been committed, shall be liable to confiscation.

Any liquor or intoxicating drug lawfully imported, exported, transported, manufactured, had in possession or sold, or toddy lawfully drawn or tapped along with, or in addition to, any liquor, intoxicating drug or toddy, liable to confiscation under this section, and

the receptacles, packages and coverings in which any such liquor, intoxicating drug, materials, still, utensil, implement, or apparatus as aforesaid is or are found, and the other contents, if any, of the receptacles or packages in which the same is or are found, and the animals, carts, vessels, or other conveyances used in carrying the same, shall likewise be liable to confiscation.

Confiscation
how ordered.

66. When the offender is convicted or when the person charged with an offence under this Regulation is acquitted, but the Magistrate decides that anything is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Regulation, the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

Section 67.

When an offence under this Regulation has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under this Regulation and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Excise Commissioner, or by any other officer authorized by the Government in that behalf, who may order such confiscation.

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto and evidence if any which they produce in support of their claims.

(b) Provided further that if the thing in question is liable to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale. (b)

67. Any Excise officer specially empowered in that behalf may accept from any person whose license or permit is liable to be cancelled or suspended under clauses (a) and (b) of section 26 or who is reasonably suspected of having committed an offence under section* 55 or section 56 or section 57 or section 58 or section 63, a sum of money not exceeding two hundred rupees in lieu of such cancellation or suspension or by way of compensation for the offence which may have been committed, as the case may be; and in all cases whatsoever in which any property has been seized as liable to confiscation under this Regulation, may release the same on payment of the value thereof as estimated by such officer.

Power to
compound
offences.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

[*] Substituted for the original words "section 56" by Regulation V of 1920.

[b] Inserted by Regulation V of 1920.

Sections 68-72.

Provisions of the Criminal Procedure and Indian Penal Codes applicable to offences committed under this Regulation.

68. The provisions of the Criminal Procedure Code relating to execution so far as the same are applicable, and sections 67, 68 and 69 of the Indian Penal Code shall apply to all offences committed and to all persons punished under the provisions of this Regulation.

Excise Advisory Committees.

68A—(a) Any Local Authority empowered by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of such Excise Advisory Committees, under this Regulation, shall be such as may be provided for by rules made in this behalf by Government from time to time and published in the *Official Gazette*. (a)

X—MISCELLANEOUS.

Publication of Rules and Notifications.

69. All rules made and notifications issued under this Regulation shall be made and issued by publication in the *Official Gazette*, provided that all such rules and notifications whereby the doing or the not doing of anything is made punishable shall be published in three successive issues of the *Official Gazette*. All such rules and notifications shall thereupon have the force of law and be read as part of this Regulation, and may, in like manner, be varied, suspended or annulled.

Conferring of powers and making of appointments

70. All notifications and orders conferring powers, imposing duties and making appointments under this Regulation may respectively refer to the persons concerned specially by name or in virtue of their office or to classes of officials generally by their official titles; and all Courts shall take judicial notice thereof.

Exception of medicated articles.

71. (b) Government may by notification, either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class or persons. [b]

Bar of actions

72. No action shall lie against any Excise officer, for damages in any Civil Court for any act *bona fide* done

[a-a] This new section was inserted by Regulation V of 1920.

[b-b] This new section was substituted for the original by Regulation V of 1920

Section 72.

or ordered to be done in pursuance of this Regulation, or of any law for the time being in force relating to Excise revenue ;

and all prosecutions of any Excise officer, and all actions which may be lawfully brought against any Excise officer, in respect of anything done, or alleged to have been done in pursuance of this Regulation, shall be instituted within six months from the date of the act complained of and not afterwards.

• In such action, if for damages, it shall be lawful for the Court, if tender of sufficient amends shall have been made before the action was brought, in awarding the amount so tendered, to refuse costs to the plaintiff and direct him to pay the costs of the defendant.

THE SUCCESSION CERTIFICATE REGULATION, 1901

CONTENTS.

SECTION.

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- SCHEDULE — Forms of Certificate and Extended Certificate.

REGULATION No. VII OF 1901.

(PASSED ON THE 5TH DAY OF OCTOBER 1901.)

A Regulation to Facilitate the Collection of Debts on Successions and Afford Protection to parties paying debts to the Representatives of Deceased Persons.

Whereas it is expedient to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons : Her Highness the Maharani-Regent is pleased to enact as follows :—

1. (1) This Regulation may be called the Succession Certificate Regulation, 1901 ;

(2) It shall come into force on the first day of November 1901 ; and

(3) It extends to the whole of Mysore ;

(4) But a certificate shall not be granted thereunder with respect to any debt or security to which a right can be established by probate or letters of administration under the Indian Succession Act, 1865.

2. (1) Act XXVII of 1860 (*An Act for facilitating the collection of Debts on successions, and for the security of parties paying debts to the representatives of deceased persons*) as extended to Mysore by Notification of the Government of India, Foreign Department, No. 16, Judicial, dated the 15 January 1868, is hereby repealed.

(2) But nothing in this Regulation shall affect any certificate granted before the commencement of this Regulation under Act XXVII of 1860.

(3) Any enactment except this Regulation or any document, referring to Act XXVII of 1860, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(1) " District Court," subject to the other provisions of this Regulation and to the provisions of section 12 of the Mysore Chief Court Regulation, 1884, and of any other like enactment for the time being in force, means a Court presided over by a District Judge ; and

Title, commencement, extent and application.

Repeal.

Definitions

Sections 4-6.

(2) "Security" means —

(a) any promissory note, debenture, stock or other security of the Government of Mysore;

(b) any stock or debenture of, or share in, a company or other incorporated institution;

(c) any debenture or other security for money issued by, or on behalf of, a local authority;

(d) any other security which the Government of Mysore may, by notification in the *Official Gazette*, declare to be a security for the purposes of this Regulation.

Proof of representative title a condition precedent to recovery, through the Courts, of debts from debtors of deceased persons.

4. (1) No Court shall—

(a) pass a decree against a debtor of a deceased person for payment of his debt to a person claiming to be entitled to the effects of the deceased person or to any part thereof, or

(b) proceed, upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt, except on the production, by the person so claiming, of—

(i) a probate or letters of administration evidencing the grant to him of administration to the estate of the deceased, or

(ii) a certificate granted under this Regulation or under section 36 or section 37 of the Administrator General's Act, 1874, and having the debt specified therein, or

(iii) a certificate granted under Act XXVII of 1860.

(2) The word "debt" in sub-section (1) includes any debt except rent, revenue or profits payable in respect of land used for agricultural purposes.

Court having jurisdiction to grant certificate.

5. The District Court within the jurisdiction of which the deceased ordinarily resided at the time of his death, or, if at that time he had no fixed place of residence, then within the jurisdiction of which any part of the property of the deceased may be found, may grant a certificate under this Regulation.

Application for certificate.

6. (1) Application for such a certificate must be made to the District Court by a petition signed and verified by or on behalf of the applicant in the manner prescribed by the Code of Civil Procedure for the signing

Section 7.

and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely:—

(a) the time of the death of the deceased;

(b) the ordinary residence of the deceased at the time of his death and, if such residence was not within the local limits of the jurisdiction of the Court to which the application is made, then the property of the deceased within those limits;

(c) the family or other near relatives of the deceased and their respective residences;

(d) the right in which the petitioner claims;

(e) the absence of any impediment under section 1, sub-section (4), or under any other provision of this Regulation or any other enactment, to the grant of the certificate or to the validity thereof if it were granted; and

(f) the debts and securities in respect of which the certificate is applied for.

(2) If the petition contains any averment which the person verifying it knows or believes to be false, or does not believe to be true, that person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

7. (1) If the District Court is satisfied that there is ground for entertaining the application, it shall fix a day for the hearing thereof and cause notice of the application and of the day fixed for the hearing—

Procedure on application.

(a) to be served on any person to whom, in the opinion of the Court, special notice of the application should be given, and

(b) to be posted on some conspicuous part of the court-house and published in such other manner, if any, as the Court, subject to any rules made by the* High Court* in this behalf, thinks fit,

and upon the day fixed, or as soon thereafter as may be practicable, shall proceed to decide in a summary manner the right to the certificate.

(2) When the Court decides the right thereto to belong to the applicant, it shall make an order for the grant of the certificate to him.

(3) If the Court cannot decide the right to the certificate without determining questions of law or fact

* The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1980.

Sections 8-10.

which seem to it to be too intricate and difficult for determination in a summary proceeding, it may nevertheless grant a certificate to the applicant if he appears to be the person having *prima facie* the best title thereto.

(4) When there are more applicants than one for a certificate and it appears to the Court that more than one of such applicants are interested in the estate of the deceased, the Court may, in deciding to whom the certificate is to be granted, have regard to the extent of interest, and the fitness in other respects, of the applicants.

Contents of
certificate.

8. When the District Court grants a certificate, it shall therein specify the debts and securities set forth in the application for the certificate and may thereby empower the person to whom the certificate is granted—

(a) to receive interest or dividends on; or

(b) to negotiate or transfer; or

(c) both to receive interest or dividends on, and to negotiate or transfer,
the securities or any of them.

Requisition of
security from
grantee of
certificate.

9. (1) The District Court shall in any case in which it proposes to proceed under section 7, sub-section (3) or sub-section (4), and may, in any other case, require, as a condition precedent to the granting of a certificate, that the person to whom it proposes to make the grant shall give to the Judge of the Court, to ensure for the benefit of the Judge for the time being, a bond with one or more surety or sureties, or other sufficient security for rendering an account of debts and securities received by him and for indemnity of persons who may be entitled to the whole or any part of those debts and securities.

(2) The Court may, on application made by petition and on cause shown on its satisfaction, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court thinks fit, assign the bond or other security to some proper person, and that person shall thereupon be entitled to sue thereon in his own name as if it had been originally given to him instead of to the Judge of the Court, and to recover, as trustee for all persons interested, such amount as may be recoverable thereunder.

Extension of
certificate.

10. (1) A District Court may from time to time, on the application of the holder of a certificate under this Regulation, extend the certificate to any debt or security

Sections 11-16.

not originally specified therein, and every such extension shall have the same effect as if the debt or security to which the certificate is extended had been originally specified therein.

(2) Upon the extension of a certificate, powers with respect to the receiving of interest or dividends on, or the negotiation or transfer of, any security to which the certificate has been extended may be conferred, and a bond or further bond or other security for the purposes mentioned in the last foregoing section may be required, in the same manner as upon the original grant of a certificate.

11. Certificates shall be granted and extensions of certificates shall be made, as nearly as circumstances admit, in the forms set forth in the schedule.

Forms of certificate and extended certificate.

12. Where a District Court has not conferred on the holder of a certificate any power with respect to a security specified in the certificate, or has only empowered him to receive interest or dividends on, or to negotiate or transfer, the security, the Court may, on application made by petition and on cause shown to its satisfaction, amend the certificate by conferring any of the powers mentioned in section 8, or by substituting any one for any other of those powers.

Amendment of certificate in respect of powers as to securities.

13. Repealed by Regulation I of 1924.

14. (1) Every application for a certificate or for the extension of a certificate must be accompanied by a deposit of a sum equal to the fee payable under the first schedule to the Mysore Court-fees Regulation, 1900, in respect of the certificate or extension applied for.

Mode of collecting court-fees on certificates.

(2) If the application is allowed, the sum deposited by the applicant shall be expended under the direction of the Court, in the purchase of the stamp to be used for denoting the fee, payable as aforesaid.

(3) Any sum received under sub-section (1) and not expended under sub-section (2) shall be refunded to the person who deposited it.

15. A certificate under this Regulation shall have effect throughout the whole of Mysore.

Local extent of certificate

16. Subject to the provisions of this Regulation, the certificate of the District Court shall, with respect to the debts and securities specified therein, be conclusive as against the persons owing such debts or liable on such securities, and shall, notwithstanding any contravention

Effect of certificate.

Sections 17-19.

of section 1, sub-section (4), or other defect, afford full indemnity to all such persons as regards all payments made, or dealings had, in good faith in respect of such debts or securities to or with the person to whom the certificate was granted.

Revocation of
certificate.

17. A certificate granted under this Regulation may be revoked for any of the following causes, namely :—

(a) that the proceedings to obtain the certificate were defective in substance;

(b) that the certificate was obtained fraudulently by the making of a false suggestion, or by the concealment from the Court of something material to the case;

(c) that the certificate was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant thereof, though such allegation was made in ignorance or inadvertently;

(d) that the certificate has become useless and in operative through circumstances;

(e) that a decree or order made by a competent Court in a suit or other proceeding with respect to effects comprising debts or securities specified in the certificate renders it proper that the certificate should be revoked.

Appeal.

18. (1) Subject to the other provisions of this Regulation, an appeal shall lie to the* High Court* from an order of a District Court granting, refusing or revoking a certificate under this Regulation, and the* High Court* may, if it thinks fit, by its order on the appeal, declare the person to whom the certificate should be granted and direct the District Court, on application being made therefor, to grant it accordingly, in supersession of the certificate, if any, already granted.

(2) An appeal under sub-section (1) must be preferred within the time allowed for an appeal under the Code of Civil Procedure.

(3) Subject to the provisions of sub-section (1) and of Chapters XLVI and XLVII of the Code of Civil Procedure as applied by section 647 of that Code, an order of a District Court under this Regulation shall be final.

Effect on
certificate of
previous certi-
ficate, probate
or letters of
administra-
tion.

19. Save as provided by this Regulation, a certificate granted thereunder in respect of any of the effects of a deceased person shall be invalid if there has been a previous

*The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1980.

Sections 20-22.

grant of such a certificate or of probate or letters of administration in respect of the estate of the deceased person and if such previous grant is in force.

20. Where a certificate under this Regulation has been superseded or is invalid by reason of the certificate having been revoked under section 17, or by reason of the grant of a certificate to a person named in an appellate order under section 18, or by reason of a certificate having been previously granted, or by reason of a grant of probate or letters of administration, or for any other cause, all payments made, or dealings had, as regards debts and securities specified in the superseded or invalid certificate, to or with the holder of that certificate in ignorance of its supersession or invalidity, shall be held good against claims under any other certificate or under the probate or letters of administration.

Validation of certain payments made in good faith, to holder of invalid certificate.

21. No decision under this Regulation upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties, and nothing in this Regulation shall be construed to affect the liability of any person who may receive the whole or any part of any debt or security, or any interest or dividend on any security, to account therefor to the person lawfully entitled thereto.

Effect of decisions under this Regulation and liability of holder of certificate thereunder.

22. (1) The Government may, by notification in the *Official Gazette*, invest any Court inferior in grade to a District Court with the functions of a District Court under this Regulation, and may cancel or vary any such notification.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Regulation upon the District Court, and the provisions of this Regulation relating to the District Court shall apply to such an inferior Court as if it were a District Court:

Provided that an appeal from any such order of an inferior Court as is mentioned in sub-section (1) of section 18 shall lie to the District Court, and not to the* High Court*, and that the District Court may, if it thinks fit, by its order on the appeal, make any such declaration and direction as that sub-section authorises the* High Court*

*The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

Section 23.

to make by its order on an appeal from an order of a District Court.

(3) An order of a District Court on an appeal from an order of an inferior Court under the last foregoing sub-section shall, subject to the provisions of Chapters XLVI and XLVII of the Code of Civil Procedure as applied by section 647 of that Code, be final.

(4) The District Court may withdraw any proceedings under this Regulation from an inferior Court and may either itself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Court and having authority to dispose of the proceedings.

(5) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(6) Any Civil Court which for any of the purposes of any enactment is subordinate to or subject to the control of, a District Court shall for the purposes of this section be deemed to be a Court inferior in grade to a District Court.

surrender of
superseded
and invalid
certificates.

23. (1) When a certificate under this Regulation has been superseded or is invalid from any of the causes mentioned in section 20, the holder thereof shall, on the requisition of the Court which granted it, deliver it up to that Court.

(2) If he wilfully and without reasonable cause omits so to deliver it up, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

SCHEDULE.

FORMS OF CERTIFICATE AND EXTENDED CERTIFICATE.

(See Section 11.)

In the Court of

To *A B*

Whereas you applied on the _____ day of _____
 for a certificate under the Succession
 Certificate Regulation, 1901, in respect of the following debts and
 securities, namely:—

Debts.

Serial number	Name of debtor	Amount of debt, in- cluding interest, on date of application for certificate	Description and date of instrument, if any by which the debt is secured

Securities.

Serial number	Description			Market-value of security on date of application for certificate
	Distinguish- ing number or letter of security	Name, title or class of security	Amount or par value of security	

This certificate is accordingly granted to you and empowers
 you to collect those debts [*and*] [*to receive*] [*interest*] [*dividends*]
 [*on*] [*to negotiate*] [*to transfer*] [*those securities*].

Dated this

day of

District Judge.

Schedule.

In the Court of

On the application of *A B* made to me on the
day of _____ I hereby extend this certificate to the
following debts and securities, namely:—

Debts.

Serial number	Name of debtor	Amount of debt, including interest, on date of application for extension	Description and date of instrument, if any, by which the debt is secured

Securities.

Serial number	Description			Market-value of security on date of application for extension
	Distinguishing number or letter of security	Name, title or class of security	Amount or par value of security	

This extension empowers *A B* to collect those debts [and] [to] [receive] [interest] [dividends] [on] [to negotiate] [to transfer] [those securities.]

Dated this

day of

District Judge.

REGULATION No. VIII OF 1901.

(PASSED ON THE 3RD DAY OF NOVEMBER 1901.)

A Regulation to amend the Indian Evidence Act, 1872, as it is in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act, 1872, as it is in force in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

Preamble.

1. (1) For the "*Explanation*" to section 14 of the Indian Evidence Act, 1872, as amended by Act XVIII of 1872, and Regulations, III of 1899 and X of 1900, the following shall be substituted, namely:—

Amendment of section 14, Act I, 1872.

"*Explanation* 1.—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

"*Explanation* 2.—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence, is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact."

(2) For "*Illustration (b)*" to the same section, the following shall be substituted, namely:—

"(b) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

"The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coins is relevant.

"The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant."

2. In section 15 of the said Act, after the word "intentional," there shall be inserted the words, "or done with a particular knowledge or intention."

Amendment of section 15 Act I, 1872.

3. To section 26 of the said Act, the following shall be added, namely:—

"*Explanation*.—In this section, 'Magistrate' does not include the head of a village discharging magisterial functions, unless such headman is a Magistrate exercising

Addition to section 26, Act, I, 1872.

Sections 4-8.

the powers of a Magistrate under the Code of Criminal Procedure."

Addition to
section 80,
Act I, 1872.

4. In section 30 of the said Act, immediately before the '*Illustrations*,' the following shall be inserted, namely:—

"*Explanation*.—'Offence' as used in this section includes the abetment of, or attempt to commit, the offence."

Addition to
section 43,
Act I, 1872.

5. To section 43 of the said Act, the following *Illustrations* shall be added, namely:—

"(e) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

"(f) A is tried for the murder of B. The fact that B prosecuted A for libel and that A was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution
of new section
for section 54,
Act I, 1872.
"Previous
bad character
not relevant
except in
reply."

6. For section 54 of the said Act, the following shall be substituted, namely:—

"54. In criminal proceedings, the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

"*Explanation* 1.—This section does not apply to cases in which the bad character of any person is itself at fact in issue.

"*Explanation* 2.—A previous conviction is relevant as evidence of bad character."

Amendment
of *Explanation*
to section
55, Act, I,
1872.

7. In the "*Explanation*," to section 55 of the said Act, after the word "but," there shall be inserted the words and figures, "except as provided in section 54."

Substitution
of new section
for section 125
Act I, 1872.

8. The following section shall be substituted for section 125 of the said Act, namely:—

"Information
as to commis-
sion of
offences."

"125. No Magistrate or Police Officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue Officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

"*Explanation*.—'Revenue Officer' in this section means any officer employed in or about the business of any branch of the public revenue."

REGULATION No. IX OF 1901.

(PASSED ON THE 10TH DAY OF DECEMBER 1901.)

**A Regulation to amend the Mysore Forest
Regulation, 1900.**

Whereas it is expedient to amend the Mysore Forest Regulation, 1900, Her Highness the Maharani-Regent is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Forest (Amendment) Regulation, 1901; and

(2) It shall come into force at once.

2. From section 29 of the Mysore Forest Regulation 1900, the words, "demanding his aid" shall be omitted before clause (a), and after clause (b), the following shall be inserted, namely:—

"and shall assist any Forest or Police Officer demanding his aid".

3. After section 36 of the said Regulation, the following sections shall be inserted, namely:—

"36A. Whenever fire is caused wilfully or by gross negligence in any land placed under special protection under clause (iii) of section 35, the Government may (notwithstanding the infliction of any punishment under this Regulation) direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce shall, for such period as it thinks fit, be suspended."

"36B. Every person who exercises any right in any land placed under special protection under clause (iii) of section 35 or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such land, and every person who is employed by any such person in such land, and every village officer or person in any village contiguous to such land who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest officer or Police officer any information he may possess respecting the occurrence of fire in or near such land or the commission of, or intention to commit any forest officer, and shall assist any Forest or Police officer—

Preamble.

Short title.

Commence-
ment.Amendment
of section 29
of Regulation
XI of 1900.Insertion of
sections 36A
and 36B."Suspension
of rights in
cases of fires
caused wil-
fully or by
gross negli-
gence."Persons
bound to
assist Forest
officer and
Police officer.

Section.

(a) in extinguishing any fire occurring in such land,
(b) in preventing any fire which may occur in the vicinity of such land from spreading into such land, and shall assist any Forest or Police officer demanding his aid —

(c) in preventing the commission in such land of any forest offence, and

(d) when there is reason to believe that any such offence has been committed in such land, in discovering and arresting the offender.”

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